United Nations S/2006/126

Security Council

Distr.: General
24 February 2006

Original: English

Letter dated 22 February 2006 from the Permanent Representative of the United States of America to the United Nations addressed to the President of the Security Council

I would be grateful if you would have the present letter and its annex, containing the statement by the Witnesses to the Algiers Agreement, circulated as a document of the Security Council.

(*Signed*) John R. **Bolton**

06-25319 (E) 240206

Annex to the letter dated 22 February 2006 from the Permanent Representative of the United States of America to the United Nations addressed to the President of the Security Council

Statement by the Witnesses to the Algiers Agreement

The Witnesses to the Algiers Agreement of 12 December 2000 (Algeria, the African Union, the European Union, the United States and the United Nations, the "Witnesses"), met on 22 February at the United Nations. The Witnesses remain fully committed to the implementation of that Agreement, as well as to the Algiers Agreement on Cessation of Hostilities of 18 June 2000 (the "Agreements") and welcome and endorse the initiative by the United States of America, in cooperation with and with the full support of the other Witnesses, to resolve the current impasse in the peace process between Eritrea and Ethiopia in order to promote stability and good relations between the parties and lay the foundation for sustainable peace in the region.

The Witnesses recognize the special role of the African Union and its importance to confidence-building between the parties in support of any initiative in the demarcation process.

The Witnesses stress that the parties must implement the Algiers Agreement of 12 December 2000 fully and without qualification. The Witnesses believe it is crucial that the parties meet their obligations under that Agreement, as well as under the Agreement on Cessation of Hostilities.

Consistent with article 1 of the 12 December 2000 Agreement, each party must refrain from the threat or use of force against the other.

The Witnesses recall that both Ethiopia and Eritrea committed themselves to accepting the delimitation and demarcation determinations of the Eritrea-Ethiopia Boundary Commission as final and binding, under article 4.15 of the Algiers Agreement of 12 December 2000. The Witnesses expect each Government to uphold its commitment and to cooperate with the Commission to implement its decisions without further delay. The Witnesses urge the Commission to convene a meeting with the parties and invite the Commission to consider the need for technical discussions with the support of a neutral facilitator to assist with the process of demarcation. The Witnesses strongly urge the parties to attend the meeting of the Commission and to cooperate with and abide by all requirements specified by the Commission in order to successfully conclude the demarcation process.

The Witnesses commend the role of the United Nations Mission in Ethiopia and Eritrea (UNMEE). The Witnesses urge the parties to permit UNMEE to perform its duties without any restrictions and call on the parties to ensure the free movement of UNMEE personnel in the performance of their responsibilities, including its mandated responsibility, as specified in Security Council resolutions 1430 (2002) and 1466 (2003), including to assist the Commission in the expeditious and orderly implementation of the Delimitation Decision. In particular, the Witnesses note that demarcation of the border cannot proceed unless UNMEE is allowed full freedom of movement throughout its area of operations.

The Witnesses believe the United States initiative agreed today will help resolve the differences between the parties and encourage the United States to pursue it with the parties. The Witnesses also call on the international community to support it, including through continued support for UNMEE and through contributions to the Trust Fund, established pursuant to Security Council resolution 1177 (1998) and referred to in article 4.17 of the Algiers Agreement of 12 December 2000, and to support the demarcation of the border.

United Nations A/ES-10/322–S/2006/127

General Assembly
Security Council

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General Assembly
Tenth emergency special session
Agenda item 5
Illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory

Security Council
Sixty-first year

Identical letters dated 24 February 2006 from the Permanent Observer of Palestine to the United Nations addressed to the Secretary-General and the President of the Security Council

It has been three days since our last communication on 21 February 2006, in which we conveyed our deep concern regarding the marked escalation of military aggression by Israel, the Occupying Power, in the Occupied Palestinian Territory, including East Jerusalem. Unfortunately, the situation since that communication has seen further deterioration, threatening a comprehensive breakdown on the ground and on all levels. The past week has seen an increase in aggressive Israeli rhetoric, threats and actions against the Palestinian people and the Palestinian Authority as the contending Israeli parties compete against one another for the upcoming elections on a platform of violence and aggression against the Palestinian people and their rights. Sadly, Palestinian blood has become a ticket in the upcoming Israeli elections and tragic events on the ground indicate that the situation will only get worse if the international community does not intervene promptly and firmly.

Israel, the Occupying Power, has escalated the situation on the ground by intensifying its military incursions into Palestinian towns in which cruel and inhumane measures have been taken against the affected Palestinian populations, including the targeting of civilians, medical staff and the injured. In the past week alone, Israeli occupation forces have carried out two separate and very violent military incursions into the Balata refugee camp, near Nablus City in the West Bank. So far, at least nine Palestinians have been killed in these military assaults while 70 others, including three medical staff, were injured. Numerous international and human rights organizations, including Doctors without Borders, have condemned the marked increase in violence against civilians, especially the targeting of medical staff and the injured and the obstruction of access to them. They have been horrified at the cruelty with which Israeli occupation forces have dealt with the civilian population in the Balata refugee camp, namely sealing off the camp even to ambulances, demolishing homes without prior warning and killing residents at random. The campaign against that refugee camp began earlier this month and as

06-25379 (E) 270206

our most recent correspondence indicated, two Palestinians were killed in an incursion there.

Additionally, with the resumption with marked intensity of its unlawful campaign of extrajudicial executions of Palestinians, former influential Israeli senior security officials have suggested that even the newly elected Palestinian officials would not be immune from this unlawful policy. Threats of catastrophic implications have also been officially declared against the population in the Gaza Strip, with Israeli officials declaring that they could cut off the electricity supply in the Gaza Strip, reoccupy the northern Gaza Strip and expel its residents. The events in the Gaza Strip have also seen a marked escalation in violence as the Israeli bombardment of Palestinian neighbourhoods continues incessantly and Palestinians continue to suffer from these attacks and random firing by occupation soldiers near the borders. On 23 February 2006, Israeli occupation forces killed three Palestinians and injured another in the Gaza Strip in separate incidents, in addition to firing a missile at a car in an apparent failed extrajudicial execution attempt. Towns around Hebron and Nablus cities in the West Bank have been especially targeted in the past week, with Israeli occupation forces arresting at least eight and injuring a dozen Palestinians in separate incursions and house searches.

President Mahmoud Abbas, despite the apparent disinterest of the Israeli side in restoring calm, has once more reiterated the Palestinian commitment to a peaceful settlement of the conflict and has called on Israel, the Occupying Power to cease its military aggression and return immediately to the negotiating table. Unfortunately, these sincere Palestinian calls have so far been met with utter disdain, which intensifies as the election date in Israel approaches.

President Abbas has also appealed to the international community and the Quartet to intervene immediately and put an end to the grave escalation on the ground as the situation has become unbearable and critically dangerous. Such irresponsibility in the Israeli actions and such determination to drive the situation to a complete breakdown clearly demonstrates the urgent need to provide the Palestinian people with international protection from this violent and belligerent Israeli military occupation. Furthermore, it is of crucial importance for the international community to now confront this belligerent Israeli policy and unlawful actions with a firm and collective position. It must be made clear that Palestinian lives, international law and international humanitarian law are not expendable chips that the Occupying Power can discard at will.

The international community, in accordance with the rules and principles of international law, including international humanitarian law, has clear responsibilities in terms of ensuring the proper conduct of the Occupying Power, including compliance with its legal obligations and commitments. Moreover, measures must be taken to prevent the further escalation of this Israeli military campaign against the Palestinian civilian population that remains helpless and without any protection from the brute force of the Occupying Power. The continuation and intensification of Israel's military campaign against the Palestinian people will clearly lead only to more bloodshed and to more suffering by innocent civilians on both sides, which should be avoided at all costs.

This letter is in follow-up to our previous 232 letters to you regarding the ongoing crisis in the Occupied Palestinian Territory, including East Jerusalem, since 28 September 2000. These letters, dated from 29 September 2000 (A/55/432-

S/2000/921) to 21 February 2006 (A/ES-10/321-S/2006/123) constitute a basic record of the crimes committed by Israel, the occupying Power, against the Palestinian people since September 2000. For all of these war crimes, State terrorism and systematic human rights violations committed against the Palestinian people, Israel, the occupying Power, must be held accountable and the perpetrators must be brought to justice.

Accordingly, in a follow-up to the above-mentioned letters, it is my profound regret to inform you that, since our last letter to you, at least seven more Palestinians have been killed by the Israeli occupying forces, raising the total number of martyrs killed since September 2000 to 3,797. (The names of the martyrs that have been identified are listed in the annex to the present letter.)

I would be grateful if you would arrange to have the present letter and its annex distributed as a document of the Security Council and the tenth emergency special session of the General Assembly, under agenda item 5.

(*Signed*) Riyad **Mansour**
Ambassador
Permanent Observer of Palestine to the United Nations

Annex to the identical letters dated 24 February 2006 from the Permanent Observer of Palestine to the United Nations addressed to the Secretary-General and the President of the Security Council

Names of martyrs killed by the Israeli occupying forces in the Occupied Palestinian Territory, including East Jerusalem* (Thursday, 23 February to Friday, 24 February 2006)

Thursday, 23 February 2006

1. Mohammed Shteiwi
2. Mohammad Khamees Ammar
3. Hassan Fathi Hajjaj (20 years old)
4. Ibrahim Mouhsen Al Seidi (19 years old)
5. Na'im Mohammad Abu Saris

Friday, 24 February 2006

1. Soulayman Hassan Al-Hamidi
2. Mohamad Ahmad Doukhan (21 years old)

* The total number of Palestinian martyrs killed by the Israeli occupying forces since 28 September 2000 is 3,797.

United Nations A/60/697–S/2006/128

General Assembly
Security Council

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24 February 2006

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General Assembly
Sixtieth session
Agenda item 40
The situation in the occupied territories of Azerbaijan

Security Council
Sixty-first year

Letter dated 24 February 2006 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General

In addition to my letter (A/60/686-S/2006/118) I have the honour to submit to you the text of an appeal of displaced persons from Khojaly to the United Nations, the Organization for Security and Cooperation in Europe and the Council of Europe (see annex).

The residents of Khojaly, who suffered one of the most terrible tragedies of the twentieth century, condemn genocide and acts of terrorism in all their forms, urge humankind to mobilize its efforts for the resolution of all conflicts on the Earth and to struggle for a free and prosperous community of people living in peace and order.

I should be grateful if you would have the present letter and its annex distributed as a document of the General Assembly, under agenda item 40, and of the Security Council.

(*Signed*) Yashar **Aliyev**
Ambassador
Permanent Representative

06-25385 (E) 280206

Annex to the letter dated 24 February 2006 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General

Appeal of displaced persons from Khojaly to the United Nations, the Organization for Security and Cooperation in Europe and the Council of Europe

We, the witnesses of the Khojaly genocide committed in February 1992 in the Nagorno-Karabakh region of the Republic of Azerbaijan, who miraculously survived the tragedy, once again appeal with high hope to the United Nations, the Organization for Security and Cooperation in Europe and the Council of Europe as well as to all the civilized world community, and call for the rendering of the due legal and political assessment to the Khojaly genocide.

In order to realize their plan of creating "Great Armenia", Armenians, who erected a monument in 1978 on the occasion of the 150th anniversary of their movement to Azerbaijan from Iran, pursued a consistent policy of aggression against Azerbaijan in the last two centuries with the assistance of their foreign accomplices, and committed crimes against humanity such as genocide, terrorism, homicide and deportation.

Numerous historical documents prove that millions of Azerbaijanis suffering ethnic cleansing and genocide in the periods 1905-1907, 1918-1920 and 1948-1953 in their historical ethnic territories were murdered en masse or obliged to flee from their native lands.

Finally, Armenian separatism and groundless territorial claims against Azerbaijan were raised again in 1988 and the Nagorno-Karabakh conflict began. During 1988-1989, 250,000 Azerbaijanis, to the last man, were deported from their historical ethnic territories in Armenia, with hundreds of civilians brutally killed in the process. Consequently, Armenia became a mono-ethnic country, which was a long-cherished dream of Armenians.

Unfortunately, the former Soviet leadership and the civilized world remained indifferent to the Nagorno-Karabakh conflict that started in 1988, the barbarity of Armenians and the torment of Azerbaijanis. Encouraged by this indifference, Armenians succeeded in pursuing their policy of genocide against Azerbaijanis and committing historical crimes one after another. Twenty per cent of the territory of Azerbaijan, including seven regions around Nagorno-Karabakh, was occupied by Armenian armed forces, more than 1 million Azerbaijanis were expelled from native lands, tens of thousands of people were killed, disabled or taken hostage. Hundreds of settlements, thousands of houses, educational and health institutions, historical-cultural monuments, mosques, temples and cemeteries were destroyed, once again proving Armenian vandalism.

Mass slaughter committed by Armenian barbarians against the Azerbaijani population of Karabakh in the villages of Kerkijahan, Mesheli, Koushchular, Karadaghly and Aghdaban, terrorist acts in Baku and other cities, and finally the Khojaly genocide are all the historical stigma of "suffering and miserable" Armenians.

We bring with regret to the attention of the world community that the Khojaly genocide was another link in the chain of great human calamities of the twentieth century such as Khatyn, Hiroshima, Nagasaki and Songmi.

On 26 February 1992, Armenian armed forces, with the direct participation of the 366th Motorized Infantry Regiment of the former Soviet Union located in Khankendi (Stepanakert), attacked the town of Khojaly (where 7,000 Azerbaijanis lived at the time) from five directions. Armenians had been keeping Khojaly under complete siege for the previous four months. On the day of the attack, 3,000 people remained in the town. The population was in need of food and medicines. There were a number of sick, wounded, aged men, women and children in the town.

Armenians, with the assistance of their foreign accomplices, razed to the ground and burned the town by means of the heavy military equipment of the 366th Regiment. Innocent civilians were murdered, with children, women, elderly and the sick being subject to awful torture and mutilation. Thus, Armenians committed a very grave historical crime — the Khojaly genocide against the Azerbaijanis — at the end of the twentieth century before the eyes of civilized humankind. The aim of this action was the homicide of Khojaly residents. It is only by accident that the majority of the residents remained alive as witnesses of the tragedy.

As a result of that genocide, 613 peaceful residents were murdered and 1,275 taken hostage. Of those, the fate of 150 people is still unknown. More than 1,000 people were disabled by bullet wounds; 83 children, 106 women and 70 elderly were among the killed; and 78 of all the mutilated people were minor boys and girls.

As a result of this military-political crime, 6 families were murdered to the last man, 25 children lost both parents and 130 children lost one parent; 56 men were burned with special cruelty, tortured, beheaded and blinded, and pregnant women bayoneted.

For 14 years, we, the residents of Khojaly, have been living in exile. We appeal to all peaceful peoples and international organizations of the world with heartache mixed with high hope. We do not believe that such authoritative organizations as the United Nations, the Organization for Security and Cooperation in Europe and the Council of Europe as well as powerful nations are incapable of bringing Armenia — a State which defies international law and human values — to justice and to respect civilized relations between States.

The non-fulfilment of four resolutions of the Security Council calling for the unconditional withdrawal of Armenian troops from the occupied territories of the Republic of Azerbaijan damages the image of this Organization.

We are convinced that the world community, condemning the military aggression of Armenia against Azerbaijan, will assist in the restoration of the territorial integrity of Azerbaijan, the return of more than 1 million refugees and internally displaced persons to their homes, and the solution of the Armenia-Azerbaijan conflict over Nagorno-Karabakh in a peaceful manner and in consonance with historical and political justice.

We, having suffered one of the most terrible tragedies of the twentieth century, condemning genocide and acts of terrorism in all its forms, call upon the peoples of the world to struggle together for peace and tranquillity. We, sounding the alarm to all international organizations, peaceful and authoritative nations, call upon

humankind to mobilize and to solve all conflicts on the Earth and to struggle for a free and prosperous community of people living in peace and order!

The appeal was adopted at the general gathering
of displaced persons from Khojaly,
held in Baku on 10 February 2006.

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Security Council

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24 February 2006
English
Original: French

Note verbale dated 24 February 2006 from the Permanent Mission of Morocco to the United Nations addressed to the Secretary-General

The Permanent Mission of the Kingdom of Morocco to the United Nations presents its compliments to the Secretary-General of the United Nations and, on instructions from its Government, has the honour to convey the following information.

By its letter of 26 January 2006, the Government of the Kingdom of Morocco drew your attention to the seriousness of the actions being taken by the other parties in the buffer strip voluntarily established to the east of the berm after the ceasefire was declared on 6 September 1991.

That letter emphasized, among other things, that "the Kingdom of Morocco believes that all these activities are completely illegal, as those perpetrating them are acting without authority".

Unfortunately, the other parties have persisted in this course of provocation. Indeed, the Kingdom of Morocco has just learned that they are preparing to organize, on Tuesday, 28 February 2006, on the eastern side of the berm, a march consisting of 3,000 to 4,000 people brought expressly for this purpose from the Tindouf camps and accompanied by so-called foreign guests. The other parties plan to have the marchers cross over the berm.

The Kingdom of Morocco considers that this demonstration is of an extremely serious and provocative nature. It clearly represents a flagrant violation of the ceasefire, since such marches are normally supervised by Frente POLISARIO soldiers dressed as civilians.

As you yourself pointed out in your report of 13 October 2005 (S/2005/648), such activities "have contributed to increased tensions on the ground and may result in incidents and a deterioration of the situation along the berm".

The use of people from the Tindouf camps for this demonstration represents a violation of the rules of international humanitarian law, which stress the need to respect the dignity of such populations and forbid their exploitation for political propaganda operations.

Moreover, this demonstration places the lives of the participants at serious risk, given the status and nature of the buffer strip. The Department of Peacekeeping Operations, in a letter dated 29 March 2005 addressed to the Permanent Mission of

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the Kingdom, indicated that it was "aware of the dangers to which demonstrators are exposed in the restricted area", for which the organizers of the demonstration are fully responsible.

For all these reasons, the Kingdom of Morocco requests that you draw the attention of the other parties to the illegal nature of this demonstration, the danger to which they are exposing the participants and the threat it poses to the ceasefire, with its unforeseeable consequences for the stability of the region.

The Kingdom of Morocco also requests that you take such steps as may be deemed necessary to prevent these demonstrations, which are eminently political and dangerously provocative, and to give instructions to that effect to your Special Representative and the MINURSO Force Commander.

The success of your Personal Envoy's current efforts depends on the preservation of an atmosphere of calm, respect for the ongoing ceasefire and the avoidance of any action that could compromise the steps being taken to find an agreed political settlement to this regional dispute.

The Government of the Kingdom of Morocco would be grateful if you would bring this letter to the attention of the members of the Security Council and have it circulated as a document of the Council.

United Nations S/2006/130

Security Council

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27 February 2006

Original: English

Draft resolution

The Security Council,

Reaffirming its resolutions 827 (1993) of 25 May 1993, 1166 (1998) of 13 May 1998, 1329 (2000) of 30 November 2000, 1411 (2002) of 17 May 2002, 1431 (2002) of 14 August 2002, 1481 (2003) of 19 May 2003, 1503 (2003) of 28 August 2003, 1534 (2004) of 26 March 2004 and of 1597 (2005) of 20 April 2005,

Having considered the proposal made by the President of the International Tribunal for the Former Yugoslavia that the Secretary-General at the request of the President appoint reserve judges from among the *ad litem* judges elected in accordance with Article 13 *ter*, to be present at each stage of a trial to which they have been appointed and to replace a judge if that judge is unable to continue sitting,

Convinced of the advisability of allowing the Secretary-General to appoint reserve judges to specific trials at the International Tribunal for the Former Yugoslavia when so requested by the President of the Tribunal,

Acting under Chapter VII of the Charter of the United Nations,

1. *Decides* to amend article 12 and article 13 *quater* of the Statute of the International Tribunal for the Former Yugoslavia and to replace those articles with the provisions set out in the annex to this resolution;

2. *Decides* to remain seized of the matter.

06-25624 (E) 280206

Annex

Article 12

Composition of the Chambers

1. The Chambers shall be composed of sixteen permanent independent judges, no two of whom may be nationals of the same State, and a maximum at any one time of twelve *ad litem* independent judges appointed in accordance with article 13 *ter*, paragraph 2, of the Statute, no two of whom may be nationals of the same State.

2. Three permanent judges and a maximum at any one time of nine *ad litem* judges shall be members of each Trial Chamber. Each Trial Chamber to which *ad litem* judges are assigned may be divided into sections of three judges each, composed of both permanent and *ad litem* judges, except in the circumstances specified in paragraph 5 below. A section of a Trial Chamber shall have the same powers and responsibilities as a Trial Chamber under the Statute and shall render judgement in accordance with the same rules.

3. Seven of the permanent judges shall be members of the Appeals Chamber. The Appeals Chamber shall, for each appeal, be composed of five of its members.

4. A person who for the purposes of membership of the Chambers of the International Tribunal could be regarded as a national of more than one State shall be deemed to be a national of the State in which that person ordinarily exercises civil and political rights.

5. The Secretary-General may, at the request of the President of the International Tribunal appoint, from among the *ad litem* judges elected in accordance with Article 13 *ter*, reserve judges to be present at each stage of a trial to which they have been appointed and to replace a judge if that judge is unable to continue sitting.

6. Without prejudice to paragraph 2 above, in the event that exceptional circumstances require for a permanent judge in a section of a Trial Chamber to be replaced resulting in a section solely comprised of *ad litem* judges, that section may continue to hear the case, notwithstanding that its composition no longer includes a permanent judge.

Article 13 *quater*

Status of *ad litem* judges

1. During the period in which they are appointed to serve in the International Tribunal, *ad litem* judges shall:

(a) Benefit from the same terms and conditions of service mutatis mutandis as the permanent judges of the International Tribunal;

(b) Enjoy, subject to paragraph 2 below, the same powers as the permanent judges of the International Tribunal;

(c) Enjoy the privileges and immunities, exemptions and facilities of a judge of the International Tribunal;

(d) Enjoy the power to adjudicate in pre-trial proceedings in cases other than those that they have been appointed to try.

2. During the period in which they are appointed to serve in the International Tribunal, *ad litem* judges shall not:

(a) Be eligible for election as, or to vote in the election of, the President of the Tribunal or the Presiding Judge of a Trial Chamber pursuant to article 14 of the Statute;

(b) Have power:

(i) To adopt rules of procedure and evidence pursuant to article 15 of the Statute. They shall, however, be consulted before the adoption of those rules;

(ii) To review an indictment pursuant to article 19 of the Statute;

(iii) To consult with the President in relation to the assignment of judges pursuant to article 14 of the Statute or in relation to a pardon or commutation of sentence pursuant to article 28 of the Statute.

3. Notwithstanding, paragraphs 1 and 2 above, an *ad litem* judge who is serving as a reserve judge shall, during such time as he or she so serves:

(a) Benefit from the same terms and conditions of service mutatis mutandis as the permanent judges of the International Tribunal;

(b) Enjoy the privileges and immunities, exemptions and facilities of a judge of the International Tribunal;

(c) Enjoy the power to adjudicate in pre-trial proceedings in cases other than those that they have been appointed to and for that purpose to enjoy subject to paragraph 2 above, the same powers as permanent judges.

4. In the event that a reserve judge replaces a judge who is unable to continue sitting, he or she will, as of that time, benefit from the provisions of paragraph 1 above.

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Letter dated 24 February 2006 from the Secretary-General addressed to the President of the Security Council

I have the honour to refer to the decision of the Peace and Security Council of the African Union adopted at its 40th meeting, held in Addis Ababa on 6 October 2005, and to Security Council resolution 1633 (2005) of 21 October 2005, under which an International Working Group was created to assist the Government of Côte d'Ivoire in the implementation of its programme and to consolidate and strengthen existing follow-up mechanisms. The International Working Group held its fourth meeting in Abidjan on 17 February 2006 and issued the attached communiqué (see annex).

I should be grateful if you would bring this communiqué to the attention of the members of the Security Council.

(*Signed*) Kofi A. **Annan**

06-25468 (E) 2870206

Annex

[Original: English and French]

Fourth ministerial meeting of the International Working Group on Côte d'Ivoire

Final communiqué

1. The fourth ministerial level meeting of the International Working Group was held in Abidjan on 17 February 2006, under the co-chairmanship of H.E. Mr. Rodolphe Adada, Minister of State, Minister for Foreign Affairs and Francophonie of the Congo, and Mr. Pierre Schori, Special Representative of the United Nations for Côte d'Ivoire. In attendance were Ministers of France, Ghana, Guinea, the Niger, Nigeria and South Africa, as well as the High Representative for the elections in Côte d'Ivoire, the ECOWAS Executive Secretary, and representatives of the United States of America, Benin, the United Kingdom of Great Britain and Northern Ireland, the African Union, the European Union, the Organisation internationale de la Francophonie and the World Bank.

2. The Prime Minister briefed the Group on the conclusions of the seminar on the road map organized by the Government in Yamoussoukro from 9 to 11 February 2006, as well as measures he intends to take to expedite the effective implementation of the road map, especially with regard to identification and disarmament. The Group congratulates the Prime Minister for taking the initiative to convene the seminar, and for the conclusions reached. The Group salutes the inclusive spirit of the Prime Minister, which encourages dialogue among all the Ivorian political actors. In this context, it also welcomes the cooperation between the President and the Prime Minister.

3. The Group asks all the Ivorian parties to proceed without delay with the disarmament operations and the process of identification of the population.

4. In order to create a social and political climate conducive to facilitating significant progress in the implementation of the road map, the Group exhorts all the parties, especially the media, whose repeated hate messages constitute an obstruction to the peace and reconciliation process, to desist from such acts.

5. The parties should commit themselves to strictly complying with the ban on public demonstrations as stipulated in the presidential decree of 12 December 2005. The parties should also commit themselves to convincing their followers to refrain from inflammatory statements or from any action likely to exacerbate political and social tensions.

6. The Group strongly condemns the recent violence, including against the staff and property of the United Nations and humanitarian organizations, notably in the western part of the country. The Group deplores the human losses. The Group reminds the national authorities of their obligation to provide security for persons and their property, in accordance with the international norms and conventions subscribed to by the Government of Côte d'Ivoire. In this regard, the Group recalls the Secretary-General's statement of 1 February 2006 and urges the State authorities to ensure strict compliance with the principles governing the activities of

humanitarian agencies with a view to facilitating their return, assistance to and protection of needy populations.

7. The Group reiterates that whoever obstructs the good functioning of the peace and reconciliation process is liable to sanctions by the Security Council.

8. With regard to the National Assembly, the Group recalls the Secretary-General's statement of 29 January 2006, which stresses the need to avoid any unilateral action, and recalls that all parties must strictly adhere to the provisions of Security Council resolution 1633 (2005), while emphasizing the importance of the decisions of the African Union. The Group notes that the Secretary-General intends to remain in touch with the parties concerned in order to achieve the implementation of resolution 1633 (2005) and the decisions of the International Working Group.

9. The Group underlines the imperative to enhance the security of the personnel and equipment of the Radio Télévision ivoirienne in order to ensure its independence and to guarantee unhindered and equitable access by all the Ivorian parties. The Group invites the Prime Minister to take the necessary security measures to allow the Radio Télévision ivoirienne to fulfil its mission.

10. The Group takes note of the extensive consultations carried out by the High Representative for the elections with the signatories to the peace agreements, notably the Pretoria Agreement. The Group endorses the arbitration by the High Representative issued in his communiqué of 16 February, according to which the election of the Bureau of the Independent Electoral Commission is in compliance with the Pretoria Agreement. The Group also endorses the recommendation of the High Representative for the elections to invite the Head of State, the Prime Minister and the political parties to reach, as soon as possible, a political understanding to ensure the effective functioning of the Independent Electoral Commission before the beginning of March.

11. The Group calls on all the Ivorian parties to cooperate closely with the International Working Group with a view to facilitating the peace process and to renounce violence and resort to dialogue and consultation to resolve any disagreement.

12. The Group will hold its next meeting on 17 March 2006 in Côte d'Ivoire.

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Security Council

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General Assembly
Sixtieth session
Agenda items 39, 40, 70 and 71 (b)

Security Council
Sixty-first year

Report of the United Nations High Commissioner for Refugees, questions relating to refugees, returnees and displaced persons and humanitarian questions

The situation in the occupied territories of Azerbaijan

Right of peoples to self-determination

Human rights questions: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Letter dated 24 February 2006 from the Permanent Representative of Armenia to the United Nations addressed to the Secretary-General

Eighteen years ago the pogroms of Armenians in Sumgait marked the beginning of killings and later the depopulation of Azerbaijan of its almost half a million Armenian population. From 1988 to 1990, the deliberate manipulation of the Azerbaijani public led to the massacres of Armenians in three of the largest cities of Azerbaijan — Sumgait, Kirovabad (Ganja) and Baku, the capital of Azerbaijan. On 27 February 1988, Azeris went on a three-day rampage in Sumgait, an industrial town 20 miles from Baku, murdering members of the town's large Armenian minority, looting and destroying their property. The events were preceded by a wave of anti-Armenian statements and rallies that swept over Azerbaijan in February 1988. Most of the victims were burned alive after being assaulted and tortured. The murderers enjoyed total support of the Azerbaijani authorities and full freedom in committing these inhuman acts against the Armenian population.

The Sumgait events were organized with a view to hushing up and concealing the legal and peaceful quest of the Nagorno Karabagh people for self-determination after 70 years of unlawful subjugation to Azerbaijani rule. While the people of Nagorno Karabagh chose the constitutional and peaceful path to the exercise of its right, the response of the Azerbaijani authorities was pogroms and killings of Armenians. The premeditated killings in Sumgait were to transform the problem of

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Nagorno Karabagh from a peaceful, democratic and legal process into a violent confrontation.

This was the first time that ethnic cleansing was utilized in what was still a Soviet space. The international community's response to these horrific events was explicit. On 7 July 1988, the European Parliament adopted a resolution condemning the massacres in Sumgait,[1] which read:

> "The European Parliament,
>
> "...
>
> "B. having regard to the historic status of the autonomous region of Nagorno-Karabakh (80 per cent of whose present population is Armenian) as part of Armenia, to the arbitrary inclusion of this area within Azerbaijan in 1923 and to the massacre of Armenians in the Azerbaijani town of Sumgait in February 1988,
>
> "C. whereas the deteriorating political situation, which has led to anti-Armenian pogroms in Sumgait and serious acts of violence in Baku, is in itself a threat to the safety of the Armenians living in Azerbaijan,
>
> "1. Condemns the violence employed against Armenian demonstrators in Azerbaijan;
>
> "2. Supports the demand of the Armenian minority for reunification with the Socialist Republic of Armenia;
>
> "...
>
> "4. Calls upon the Soviet authorities to ensure the safety of the 500,000 Armenians currently living in Soviet Azerbaijan and to ensure that those found guilty of having incited or taken part in the pogroms against the Armenians are punished according to Soviet law."

Understanding Sumgait is critical for the peaceful resolution of the Nagorno Karabagh conflict, as today fuelling of anti-Armenian hatred in Azerbaijan continues virulently.

The Azerbaijani leadership, then and now, never expressed remorse over the ethnic cleansing of the Armenians. In fact, the Azeri leadership encouraged the massacres of the Armenians of Azerbaijan, directly and indirectly, through creation of an environment conducive to violence and impunity for such crimes. According to Ilias Izmailov, Azerbaijan's Prosecutor General during the Sumgait pogroms, "Perpetrators of the pogroms now carry mandates and sit in the Parliament" (*Zerkalo*, 21 February 2003).

Exaltation of impunity continues even today. After the vicious act in Budapest, where an Armenian officer was brutally axed in his sleep by an Azerbaijani officer at a NATO "Partnership for Peace" training programme, so-called "committees for the support" of the Azerbaijani military officer were created in Azerbaijan and the perpetrator was depicted as a hero. Just recently he was named the "Man of the Year" by a political party in Azerbaijan.

[1] See also S/2004/168.

There is much to be alarmed about as the policies of ethnic cleansing continue to be utilized by the Azerbaijani leadership incessantly and with impunity. In its zealous effort to erase any Armenian footprint it has embarked on vandalized destruction of centuries-old Armenian monuments in Nakhichevan (Djulfa). This is ever more disturbing as it takes place at a time when the international community takes demonstrable steps to emphasize respect for the cultural and religious diversity of people. These deplorable acts are strongly criticized by the international community. A few days ago, on 16 February 2006, the European Parliament adopted a resolution condemning the systematic destruction of the Armenian *khachkars* in Nakhichevan (Djulfa).

It comes as no surprise that the cultivation and encouragement of war rhetoric by the authorities, and their militaristic policies, which adversely affect the prospects of the peace process, would lead to such gruesome acts. All these could not but raise concerns over the increase of aggressiveness in Azerbaijani society as a result of such encouragements and effective hate propaganda by the top leadership of Azerbaijan. President Ilham Aliyev has repeatedly told his nation that Azerbaijan could launch a new war in Karabagh. Just last week, continuing his President's lead in fuelling aggressiveness and war mongering in the society, a member of the Azerbaijani Parliament, Havva Mammedova, said: "It is time to wipe Armenia from the face of the earth." Today, calls to solve the Nagorno Karabagh conflict by military means are commonplace in Baku. A natural result of this kind of intoxication is an increase in distrust and insecurity, which negatively impacts the whole negotiation process.

Peace in the region can be achieved and maintained only when confidence among nations exist. The latter is possible only through reduction of tension and discontinuation of hate propaganda, which will make the public susceptible to peace, creating a favourable environment for finding a durable solution to the Nagorno Karabagh conflict.

I should be grateful if you would have the present letter circulated as a document of the General Assembly, under agenda items 39, 40, 70 and 71 (b), and of the Security Council.

(*Signed*) Armen **Martirosyan**
Ambassador
Permanent Representative

United Nations S/2006/133

Security Council

Distr.: General
28 February 2006

Original: English

United Nations Monitoring, Verification and Inspection Commission

Note by the Secretary-General

The Secretary-General has the honour to transmit to the Security Council the twenty-fourth quarterly report on the activities of the United Nations Monitoring, Verification and Inspection Commission (UNMOVIC). It is submitted by the Acting Executive Chairman of UNMOVIC in accordance with paragraph 12 of Security Council resolution 1284 (1999).

06-24371 (E) 280206

Twenty-fourth quarterly report on the activities of the United Nations Monitoring, Verification and Inspection Commission in accordance with paragraph 12 of Security Council resolution 1284 (1999)

I. Introduction

1. The present report, which is the twenty-fourth submitted in accordance with paragraph 12 of Security Council resolution 1284 (1999), covers the activities of the United Nations Monitoring, Verification and Inspection Commission (UNMOVIC) during the period from 1 December 2005 to 28 February 2006.

II. Developments

2. During the period under review, the Acting Executive Chairman continued the practice of briefing the respective Presidents of the Security Council, representatives of Member States and officials of the Secretariat on the activities of UNMOVIC. He also briefed all the new non-permanent members of the Council individually.

3. During the reporting period the Acting Executive Chairman visited Vienna and held discussions with Dorothea Auer, Head of the Department for Disarmament and Arms Control of the Austrian Ministry for Foreign Affairs. He then travelled to Moscow where he had discussions with Sergey V. Lavrov, Minister for Foreign Affairs, Alexander Yakovenko, Deputy Minister, and officials of the Ministry for Foreign Affairs of the Russian Federation. In New York he held discussions with the Chairman of the Panel of Government Experts on Verification in All its Aspects, as well as the Chairman of the Weapons of Mass Destruction Commission.

Compendium

4. The summary of the compendium of Iraq's weapons of mass destruction programmes had been provided to the College of Commissioners in the previous quarter for their review. It has now been revised in the light of their comments and UNMOVIC expects to submit it to the Council shortly. As for the compendium itself, work continues on some issues, while the whole document is being examined for the deletion of proliferation-sensitive information.

III. Other activities

Chemical Weapons Convention

5. In its submission to the Committee established by resolution 1540 (2004) (S/AC.44/2004/(02)/116), Iraq stated that it intends to accede to the Chemical Weapons Convention.[1] UNMOVIC is therefore preparing to respond to any request for assistance on the subject of the initial declarations required under the Convention. For this purpose, the relevant requirements are being studied and the sources of information that UNMOVIC has access to (inspection reports, Iraq's

[1] United Nations, *Treaty Series*, vol. 1974, No. 33757.

disarmament declarations, supporting documentation, etc.) are being assembled and evaluated. Although the declaration requirements for chemical weapons under Security Council resolution 687 (1991) and under the Convention are not identical, the information provided to the United Nations by Iraq, or collected by inspectors during more than 10 years of inspection, is directly relevant and will enable UNMOVIC to provide support in this area.

Muthanna chemical weapons facility

6. In its previous report (S/2005/742, para. 7), the Commission referred to hazards arising from the conditions at the former Iraqi chemical warfare production plant at Muthanna. The Commission's experts have carried out a review of its information concerning the items and materials at this site. A detailed inventory of the site has been compiled on the basis of existing records. It should be recalled that under a handover protocol agreed between Iraq and the Commission in 1994, the Government of Iraq still has obligations concerning the security and safety of the site.

IV. Other issues

Archives

7. UNMOVIC has initiated an internal review of its substantive records to identify issues that will need to be addressed should those records eventually be transferred to the United Nations archives. An initial presentation on this matter was given to the College of Commissioners at its session in November 2005. A number of Commissioners subsequently offered to facilitate contact with the relevant governmental experts in their countries on national procedures for dealing with archived material, and UNMOVIC officials have attended briefing sessions with experts from France, Germany, the Russian Federation, Ukraine, the United Kingdom of Great Britain and Northern Ireland and the United States of America. Discussions have also been held with the Archives and Records Management Section of the Secretariat and with relevant staff of the International Atomic Energy Agency (IAEA). A working paper on the matter requested by the UNMOVIC Commissioners was prepared for consideration by the College at its session in February 2006.

Field offices

8. For security reasons, the Department of Safety and Security has decided to redeploy all United Nations assets from the Canal compound in Baghdad to the international zone. The Canal compound houses United Nations offices including the UNMOVIC Monitoring and Verification Centre. Since UNMOVIC still has considerable assets in storage at the Canal compound, the UNMOVIC staff of seven nationals has been instructed to store specific items in shipping containers for movement to the international zone and to other locations. This redeployment includes the complete transfer of laboratory equipment, remaining inspection equipment, weapons artefacts, transportation and communication equipment, office equipment, vehicles and furniture. Given the sensitivity of some of the equipment, UNMOVIC has arranged to send two international staff from its Cyprus field office to supervise the redeployment. Although there is room in the international zone for

the storage of equipment, there is very limited space for personnel. Arrangements have been made with the United Nations Assistance Mission for Iraq (UNAMI) to locate two UNMOVIC personnel in shared United Nations offices in order to cover the Commission's present needs for office space and to continue to maintain and dispose of equipment, as required. The issue of office and laboratory space will be addressed after the Security Council revisits the mandate of UNMOVIC and IAEA.

9. The Cyprus field office sent three staff members, two international and one national, to attend the security awareness induction programme in Amman from 6 to 9 February, in preparation for entering Iraq. The field office continues to maintain the equipment stored in Cyprus and to provide day-to-day supervision of the Baghdad staff. Whenever appropriate, the staff of the field office has continued to work with customs in Larnaca to facilitate shipments of other United Nations agencies.

Staffing

10. At the end of March 2006, UNMOVIC headquarters core staff at the Professional level will total 38, down from 41 at the end of 2005. The staff is drawn from 21 nationalities; eight are women.

Technical visits, meetings and workshops

11. UNMOVIC continues to follow dual-use technology developments and to assess the implications for its mandate and the potential application of new technologies in detection, monitoring and verification.

12. An UNMOVIC expert attended the annual meeting of the States parties to the Biological and Toxin Weapons Convention[2] held in Geneva in December 2005. The meeting discussed and aimed at promoting common understanding of the content, promulgation and adoption of codes of conduct for scientists in the biological field. Participants were from Governments, international organizations and private institutions.

13. In January 2006, UNMOVIC experts attended a homeland security technology demonstration at the Aberdeen Proving Ground in Maryland, United States. Some of the latest detection and monitoring equipment and technologies relevant to the UNMOVIC mandate were presented, including the newest hand-held or portable equipment for the detection of chemical, biological and radiological agents.

14. In February, UNMOVIC provided a briefing on its experience, expertise and lessons learned to the Panel of Government Experts on Verification in All its Aspects, which was meeting in New York to prepare a report pursuant to General Assembly resolution 59/60.

15. UNMOVIC technical staff attended the twentieth international forum on process analytical technology held in February in Arlington, Virginia, United States. The conference featured presentations by experts from the chemical, petrochemical, refining and pharmaceutical industries on how process analytical technology can be used to improve the performance and productivity of industry. The presentations included sessions on molecular sensors, spectroscopy, chromatography and sampling systems. In addition, workshops at the conference promoted discussion of

[2] United Nations, *Treaty Series*, vol. 1015, No. 14860.

the methods and tools to be used in the monitoring and verification of chemical and biological production.

Training

16. UNMOVIC conducted a training course in Argentina from 28 November to 8 December 2005. Nineteen experts from the UNMOVIC roster from 16 countries and one UNMOVIC staff member attended the course as trainees. The main objectives of the course were (a) to develop a good technical understanding by the trainees of the technologies used in the manufacture of solid propellant missiles, in particular the production of solid propellants themselves, and (b) to improve trainees' skills for the design of monitoring regimes for solid propellant production sites. This was the first technologies course relating to missiles. As a result of the course, the first group of roster personnel has been trained to create monitoring regimes for key facilities involved in the production of solid propellant missiles. The Commission is grateful to the Government of Argentina for its support for this training course.

17. The course in Argentina was the thirty-third UNMOVIC training course. The next training course, on biological production technologies, will be held in Brazil starting on 6 March.

V. College of Commissioners

18. The UNMOVIC College of Commissioners convened in New York for its twenty-second regular session on 21 and 22 February. Observers from IAEA and the Organisation for the Prohibition of Chemical Weapons attended the session.

19. The Acting Executive Chairman briefed the Commissioners on the activities of UNMOVIC since their last meeting and on the activities planned for the following quarter. In addition, presentations were made on new technologies that may affect United Nations monitoring and verification and on issues arising from the 1994 handover protocol agreed with Iraq relating to the chemical warfare agent production facility at Muthanna.

20. The College welcomed the Acting Executive Chairman's introductory statement, the working paper on archiving the mission's collection of material and the two presentations referred to in paragraph 19 above.

21. The College supported the Commission's ongoing activities as outlined by the Chairman and detailed in the quarterly report. The College welcomed the fact that the compendium (see para. 4 above) was nearing completion. It noted the Chairman's intention to produce a version of the compendium without any proliferation-sensitive or other confidential information for open access and the decision to prepare a manual containing a detailed description of the Commission's training experience, including curricula and lessons learned. With respect to the summary of the compendium, on which the College had been consulted and had provided comments, the Commissioners recommended its publication as a document of the Security Council given its importance.

22. The College had an initial exchange of views on the working paper on archiving and the issues outlined therein. All Commissioners agreed on the importance of properly organizing the material as a prerequisite to any archiving

solution that might ultimately be adopted. The College felt that this was a very important activity. Many Commissioners indicated their intention to seek expert advice in their home countries and to send further comments in due course.

23. The College further noted the developing security and safety conditions in the Muthanna State Establishment and the reports of increased agricultural activity in the area. It shared the Chairman's concern that the handover protocol was not being implemented.

24. It was decided tentatively to hold the next meeting of the College on 23 and 24 May 2006.

25. In accordance with paragraph 5 of resolution 1284 (1999), the Commissioners were consulted on the content of the present report.

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Security Council

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28 February 2006

Original: English

Report by the Secretary-General concerning the credentials of the alternate representatives of the Russian Federation on the Security Council

Pursuant to rule 15 of the provisional rules of procedure of the Security Council, the Secretary-General wishes to report that he has received a note verbale dated 27 February 2006 from the Permanent Mission of the Russian Federation to the United Nations stating that Denis Y. Paletskiy and Andrei V. Demin have been appointed alternate representatives of the Russian Federation on the Security Council.

In the opinion of the Secretary-General, the note verbale constitutes adequate provisional credentials.

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Security Council

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28 February 2006

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Letter dated 27 February 2006 from the Secretary-General addressed to the President of the Security Council

I have the honour to refer to Security Council resolution 1643 (2005) of 15 December 2005, concerning Côte d'Ivoire. In paragraph 9 of that resolution, the Council requested me to re-establish, in consultation with the Committee established pursuant to resolution 1572 (2004), for a period of six months, a group of experts consisting of no more than five members having the necessary skills to perform the mandate set out in that paragraph.

Accordingly, I wish to inform you that, taking into account the requirements stated in resolution 1643 (2005), I have appointed the following five experts:

Agim de Bruycker (Belgium)
Christian Dietrich (United States of America)
Oumar Dièye Sidi (Niger)
Nawa Raj Silwal (Nepal)
Alex Vines (United Kingdom of Great Britain and Northern Ireland)

I have also selected Mr. Vines to chair the Group of Experts.

I should be grateful if you would bring this information to the attention of the members of the Security Council.

(*Signed*) Kofi A. **Annan**

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United Nations S/2006/136

Security Council

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2 March 2006

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Letter dated 1 March 2006 from the Chargé d'affaires a.i. of the Permanent Mission of the Sudan to the United Nations addressed to the President of the Security Council

Upon instructions from my Government, I have the honour to forward, for your kind consideration, a cable message from the Minister for Foreign Affairs, Lam Akol Ajawin, regarding resolution 1591 (2005) (see annex).

I would highly appreciate it if the present letter and its annex could be circulated as a document of the Security Council.

(*Signed*) Omar B. **Manis**
Chargé d'affaires a.i.

06-25845 (E) 020306 020306

Annex to the letter dated 1 March 2006 from the Chargé d'affaires a.i. of the Permanent Mission of the Sudan to the United Nations addressed to the President of the Security Council

[Original: Arabic]

1 March 2006

1. Immediately upon the adoption, on 29 March 2005, of Security Council resolution 1591 (2005), calling for the imposition of sanctions against the parties to the conflict in Darfur, the Government of the Sudan defined its position on the resolution despite its unfairness, when the Sudanese delegation presented to the Security Council a statement to the effect that the Government of the Sudan, aware that it was a committed Member of the United Nations, respected the Security Council resolution and would cooperate in its implementation, because it was not like other States that paid no attention to Security Council resolutions.

2. On the basis of this principle, we have adopted a position of cooperating to the utmost, notwithstanding the biased content of the resolution. The moment the Secretary-General appointed a Panel of Experts in accordance with paragraph 3 of the resolution, we evinced a spirit of full cooperation. A coordinator of the Panel of Experts was appointed in Khartoum, carefully chosen to serve as a focal point for the Panel, to arrange all its meetings with the institutions and ministries related to its work and to ensure its unimpeded access to whatever information it desired.

3. In addition, we went so far in our cooperation as to set up focal points for the Panel in the Darfur States so as to facilitate its task of carrying out field visits to the region. We even arranged field visits for the Panel in places other than Darfur, including a visit by an expert to customs at Port Sudan, and through the office of the coordinator in Khartoum we arranged a programme of interviews.

4. The Permanent Mission of the Sudan continually received the Panel of Experts with open arms and made every effort to facilitate their travel procedures to the Sudan, from the granting of entry visas to the provision of communication channels in Khartoum. In addition, the Permanent Mission coordinated with the Embassy of the Sudan in Addis Ababa, where the Panel's office was based, in order to facilitate its tasks, its travel and its communications, especially with the African Union.

5. Even more importantly, the Government of the Sudan provided the Panel with highly secret and highly important information because it was confident that it was cooperating with a responsible body coming from an institution that was trustworthy and responsible in the handling of sensitive information with the requisite confidentiality, secrecy and institutional treatment that took into account the immunity of leaders and officials and, first and foremost, valued positive cooperation and collaboration with Member States in the throes of crises such as this.

6. We greatly regret to say that, despite all that limitless cooperation with the Security Council and its organs, the Government of the Sudan was deeply shocked to see the secret list prepared by the Panel of Experts, containing the names of leaders, ministers and officials, on the pages of Western newspapers and on satellite channels, without the slightest regard for their immunities.

7. Those officials were tried by the media and slandered before the Panel of Experts even reached any decision on the matter, without the minimal consideration for the negative impact and repercussions of this on conditions in the Sudan, including the Abuja talks.

8. Consequently, my country's Government, in view of the Security Council's assumption of responsibility for this regrettable action, expects to receive from the Council a statement to the effect that such acts will not be repeated, for otherwise the Government of my country will be compelled to suspend its cooperation in this matter.

(*Signed*) Lam Akol **Ajawin**
Minister for Foreign Affairs

United Nations S/2006/137

Security Council

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3 March 2006

Original: English

Report of the Secretary-General pursuant to paragraph 30 of resolution 1546 (2004)

I. Introduction

1. In paragraph 30 of its resolution 1546 (2004), the Security Council requested the Secretary-General to report to the Council on a quarterly basis on the fulfilment of the responsibilities of the United Nations Assistance Mission for Iraq (UNAMI). The present report is the seventh submitted pursuant to that resolution.

2. The report provides an update on United Nations activities in Iraq since the previous report (S/2005/766 of 7 December 2005). It presents a summary of key political developments in the period under review, particularly with regard to the December 2005 election, the Government formation process and regional developments pertaining to Iraq. The report also provides an update on the activities of my Special Representative for Iraq, Ashraf Qazi, and UNAMI, an assessment of the security situation and an update on operational and security matters.

II. Summary of key developments in Iraq

A. The December election and the political process

3. Following the adoption of the new Constitution by the Iraqi people in the referendum held on 15 October 2005, the December election for a new Parliament, the Council of Representatives, marked the beginning of the last phase of the political transition process set forth in the Transitional Administrative Law and endorsed by the Security Council in resolution 1546 (2004).

4. The election held on 15 December 2005 was the third major national electoral event in Iraq during the past year. Overall, election day was calm and no major incidents were reported. A total of 307 political entities and 19 coalitions encompassing more than 7,500 candidates representing almost all Iraqi communities and political affiliations entered the contest for the 275 seats in the Council of Representatives. Despite security concerns, voter turnout was high throughout the country. A total of 12,191,133 valid votes were cast in approximately 6,300 polling centres that accommodated over 30,000 polling stations. Of the valid votes, 295,377 were cast abroad and 203,856 were cast in 255 special polling centres for detainees, hospital patients and members of Iraq's security forces. These figures translate into

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a voter participation rate of over 75 per cent, a significant increase from the voter turnout in the January 2005 election, which amounted to approximately 58 per cent.

5. Compared to the January 2005 election, Sunni Arab voters in the governorates of Ninewa, Salahaddin, Tamim and Al Anbar — the governorates with the lowest turnouts in the January election — participated in significantly greater numbers in the December 2005 election. Several Sunni Arab and tribal leaders encouraged local populations to support the electoral process and in some areas provided protection to polling centres.

6. Campaigning was robust across the country particularly through the use of television, radio, the press and street posters. While overall levels of violence did not increase in the pre-election period, there were several acts of campaign violence. The Independent Electoral Commission of Iraq received 190 complaints during the period leading up to polling day. The large majority of the complaints related to poster damage, intimidation and aggressive conduct by supporters of political entities. However, some of the complaints referred to acts of a criminal nature including violent attacks resulting in the death of candidates and electoral staff. The Electoral Commission and my Special Representative repeatedly called upon all concerned to refrain from violence and to ensure an environment conducive to full participation in the electoral process.

7. Under the new electoral law, parties were to present separate lists of candidates for each governorate instead of a single national list as required during the previous election. The lists were subjected to close scrutiny by the De-Baathification Commission as required by the electoral law. As a result, about 200 candidates were disqualified from the election as they did not meet the requirements of the De-Baathification regulations. In accordance with the electoral law, the Electoral Commission notified election entities and candidates of the decisions of the De-Baathification Commission. In response, some parties replaced disqualified candidates.

8. Numerous safeguards were established to ensure a fair, genuine and transparent electoral exercise and to discourage attempts at fraud. The Electoral Commission deployed pre-election and post-election auditors as well as field monitors. Audit teams, which included members of the International Electoral Assistance Team, visited Erbil, Kirkuk, Ninewa, Baghdad, Hilla and Babil. Field monitors were deployed in most governorates to assess the implementation and conduct of operations on polling day. In addition, the Electoral Commission accredited over 270,000 political entity agents and more than 130,000 observers, including 949 accredited by international entities and institutions. Accredited observers were able to observe all stages of the electoral process, including the "special voting" on 12 December 2005 for detainees, hospital patients and members of the security forces. More than 3,000 political entity agents and observers were accredited to observe and monitor the out-of-country voting which took place in 15 countries from 13 to 15 December.

9. The Electoral Commission received a total of 1,980 complaints concerning the December election, of which 58 carried the potential to affect the outcome at a specific polling station. As a result of investigations into these complaints, the Electoral Commission annulled the results of 227 polling stations, issued penalties in 27 cases and dismissed polling staff involved in acts associated with attempts at

fraud. The Electoral Commission also fined several political entities and coalitions for breaching electoral regulations.

10. On 19 and 20 December 2005, the Electoral Commission announced partial election results. In response, 43 parties — mainly belonging to the Iraqi National Front, the Iraqi Accord Front and the National Dialogue Front — formed a group to protest against intimidation, ballot stuffing, over-registration, improper apportionment of seats to governorates and other election-related practices and to lodge complaints against the Electoral Commission. Amid growing protests over the announced partial results, and calls by political parties for an external investigation, the Electoral Commission welcomed the decision of the International Mission for Iraq Elections, an international non-governmental body composed mainly of independent electoral management bodies, to deploy a monitoring team as part of its observation mandate.

11. The International Mission monitoring team, which included two senior officials from the League of Arab States, was deployed from 1 to 18 January and assessed post-election activities, including the complaints process and audit visits. The International Mission issued its post-election assessment report on 19 January and concluded that the election "generally met international standards", thus paving the way for the announcement of uncertified results on 20 January. Twelve appeals of the uncertified results were then submitted to the Transitional Electoral Panel. Once those appeals were decided upon, the Electoral Commission on 10 February announced the certified results.

12. The election resulted in 12 political entities and coalitions, representing a broad political, ethnic and religious spectrum, winning seats in the Council of Representatives. According to the final certified results, the United Iraqi Alliance will remain the largest political bloc in the Parliament with 128 seats. The Kurdish Gathering won 53 seats. The Tawafoq Iraqi Front, an alliance of several parties including the General Conference for the People of Iraq, the Iraqi Islamic Party and the Iraqi National Dialogue, obtained 44 seats. The Iraqi National List won 25 seats, and the Sunni-dominated National Iraqi Dialogue Front gained 11 seats. The Islamic Union of Kurdistan secured 5 seats, and the Liberation and Reconciliation Gathering won 3 seats. The Progressives List gained 2 seats. Finally, the Al-Rafedeen List, the Iraqi Turkoman Front, the Mithal al-Aloosi List for the Iraqi Nation and Al Ezediah Movement for Progress and Reform won 1 seat each.

13. In conclusion, the election was conducted transparently and credibly. It was an inclusive exercise that succeeded in incorporating all of Iraq's numerous communities and political parties. The fact that it generally met international standards is not a small achievement, given that the election took place against the backdrop of an ambitious timetable and a very challenging political and security environment.

B. Other political developments

14. During the period under review, the focus of attention shifted from the electoral process to the process of government formation. According to article 143 of the new Constitution, the Constitution "shall come into force after the approval of the people thereon in a general referendum, its publication in the Official Gazette and the seating of the government that is formed pursuant to this Constitution". The

people of Iraq approved the Constitution in the referendum of 15 October 2005. The text of the Constitution was published in the Official Gazette on 28 December 2005. Negotiations on government formation are fully under way.

15. The Constitution stipulates the government formation process in the following stages. As a first step, the Council of Representatives has to be convened by the current President within 15 days from the date of the ratification of the election results, or, if an extension is required, no later than 30 days after such certification. At its first meeting, the Council of Representatives shall elect its Speaker and the two Deputy Speakers.

16. As a second step, the Council of Representatives shall elect the Presidency Council by a two-thirds majority of its members within 30 days of its first meeting. According to the transitional provisions of the Constitution, the Presidency Council, composed of the President and two Vice-Presidents, will replace the Office of the President of the Republic during the first four-year term under the new Constitution.

17. As a third step, the Council of Representatives has to elect the Council of Ministers, composed of the Prime Minister and the Cabinet. The Presidency Council shall charge the nominee for Prime Minister of the Council of Representatives bloc with the largest number of seats to form the Cabinet within 15 days from the date of the election of the Presidency Council. The Prime Minister-designate shall then undertake to prepare a Government programme and name the members of his Cabinet within a period not to exceed 30 days from the date of his designation. The Prime Minister-designate will have gained the confidence of the Council of Representatives upon the approval, by an absolute majority of the Council of Representatives, of the individual ministers and the ministerial programme.

18. Given that discussions about government formation have only just begun, the composition and programme of the new Government are the subject of intensive discussions, including the type and structure of government, the choice of Prime Minister, and agreement on a common agenda. Early indications are that a government of national unity is under consideration by most major parties. On 12 February 2006, the United Iraqi Alliance — the coalition with the largest number of seats in the Council of Representatives — selected Ibrahim Al-Jaafari as its candidate to continue as Prime Minister in the new Government. Mr. Al-Jaafari narrowly defeated Adil Abdul Mahdi, by 64 votes to 63, after the other two candidates, Nadim al-Jabiri of the Virtue Party and Hussein Shahristani, an independent Shia, withdrew their candidacies shortly before the vote.

19. The bombing of the holy Shia shrine of Imams Ali al-Hadi and Al-Hasan al-Askari in Samarra on 22 February, clearly aimed at provoking sectarian strife, drew immediate condemnation from Iraqi leaders from across the political and religious spectrum. The bombing followed two particularly violent days in Iraq and provoked intercommunal violence and reprisal attacks in Baghdad, Basra and other urban centres. Sunni mosques were reportedly attacked and a number occupied. There were also reports of large-scale demonstrations and violent clashes. In order to calm the situation, the Government of Iraq imposed a daytime curfew in Baghdad and three provinces. Negotiations on government formation were temporarily put on hold. Subsequently, a number of meetings were held among Iraq's political leaders to defuse the crisis and reach agreement on the way forward. At the time of writing, efforts to overcome the current crisis continue, while tensions remain high.

20. In a statement issued on the day of the bombing of the shrine, I expressed deep shock and sadness, appealed to all communities to show maximum restraint in the face of these provocative actions and called on all political and religious leaders to come together in a spirit of dialogue and mutual respect to calm the situation and dedicate their efforts to ensure the respect of human rights and the protection of places of worship. For his part, my Special Representative immediately launched intensive consultations with a broad spectrum of senior Iraqi leaders and hosted several important meetings among them to facilitate intercommunal dialogue. My Special Representative announced that UNAMI would explore the possibility of assisting in the restoration of the damaged religious sites with the support of the United Nations Educational, Scientific and Cultural Organization and the United Nations Development Programme. My Special Representative will remain actively engaged in supporting ongoing efforts to prevent a further deterioration of the situation.

C. Regional and international developments

21. The preparatory meeting held in Cairo in November 2005 for the Conference on Iraqi National Accord initiated by the League of Arab States concluded in an agreement to hold the Conference in Baghdad late in February or early in March 2006, with the aim of bringing together a broad range of representatives of Iraq's different communities to promote national reconciliation. Owing to the extended complaints and appeals process following the 15 December election for the Council of Representatives and its impact on the process of Government formation, the League of Arab States decided to postpone the Conference.

22. My Special Representative continued to maintain contact with the participants in the Cairo preparatory meeting. In his meetings, he recommended various confidence-building measures to which all participants agreed. He also discussed the possible identification of additional issues and participants for the Conference to widen and intensify talks with those outside the current dialogue. My Special Representative remains fully committed to supporting the Government of Iraq and the League of Arab States in the preparations for the Conference on Iraqi National Accord. He recently met in Baghdad with the Special Envoy of the League of Arab States, Mustapha Ismail, to discuss plans for the Conference. The League of Arab States is now planning to convene the Conference early in June. I have requested my Special Representative to continue to work closely with the League of Arab States on this initiative.

III. Update on the activities of the Mission

A. Political activities of the Special Representative of the Secretary-General

23. During the period under review, my Special Representative remained in close touch with all key Iraqi leaders to support the electoral process, facilitate negotiations on government formation and promote intercommunal dialogue with the aim of national reconciliation.

24. During the pre-election period, he held regular meetings with a broad spectrum of political leaders in Baghdad, including the leadership of smaller and minority parties. He also met with international and local electoral observer groups and with the Board of Commissioners of the Independent Electoral Commission of Iraq, with a view to ensuring that preparations for the election remained on track. During the post-election period, my Special Representative worked closely with the International Commissioner and the Electoral Commission to ensure that allegations of fraud and complaints regarding the election were addressed through a fully transparent complaints and appeals process. To that end, my Special Representative met with representatives from all parties and conducted thorough discussions with those contesting the results to ensure them that their complaints would be duly considered. He also stayed in close contact with the Multinational Force and resident diplomatic missions to keep them abreast of the tabulation of results.

25. On 5 December 2005, my Special Representative visited Najaf for the third time to meet Grand Ayatollah Ali al-Sistani and Grand Ayatollah Bashir al-Najafi. In January 2006, Mr. Qazi had to cancel his planned visits to Erbil and Sulaymaniyah, owing to the non-availability of the necessary air assets on short notice.

26. In Baghdad, my Special Representative hosted a number of prominent Iraqi visitors, including Prime Minister Ibrahim Al-Jaafari, Deputy Prime Minister Ahmad Chalabi, Foreign Minister Hoshyar Zebari, the President of the Kurdish regional government, Massoud Barzani, and prominent party leaders. He also hosted the Ambassadors to Iraq of China, France, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland and the United States of America, and met with visitors representing other Governments and Parliaments.

27. From 14 to 16 February, my Special Representative visited Moscow at the invitation of the Foreign Minister of the Russian Federation, Sergey V. Lavrov. During his visit, he also met with Deputy Foreign Minister Alexander Yakovenko, the Russian Special Envoy for Iraq, Sergey Kirchenko, and other officials. My Special Representative had a constructive exchange of views with his Russian interlocutors on the situation in Iraq and the role of the United Nations.

28. On 20 and 21 February 2006, my Special Representative visited Fallujah and Ramadi. Given the prevailing security environment in Al Anbar Province, this was his first occasion to visit these important cities. He met with the Governor of Anbar and members of the Provincial Council. Separately, he met with the local commanders of the Multinational Force to discuss the security and political situation. In Fallujah, Mr. Qazi met the Mayor and the Chief of Police. In all his meetings, the question of respect for detainee rights was raised, as was the importance of fully implementing agreements dealing with compensation for damages incurred by homeowners and local business people in the wake of counter-insurgency operations.

B. Electoral assistance activities

29. Throughout the process leading to polling day, the International Electoral Assistance Team, operating under the policy direction of the United Nations-appointed International Commissioner of the Electoral Commission, Craig Jenness, and with experts from the United Nations, the European Union and the International

Foundation for Election Systems, worked closely with the Electoral Commission to provide assistance and support to ensure the timely and successful conduct of the election.

30. The Assistance Team provided support in the recruitment and training of approximately 210,000 polling officials and in the registration and certification of 326 political entities and coalitions, representing over 7,500 candidates. The Assistance Team also helped in the accreditation of some 400,000 political entity agents and observers. Additionally, the team oversaw the procurement, transportation, distribution and storage of electoral materials. It also assisted with the implementation of operational activities and helped in establishing the tally Centre, which tabulated results from over 30,000 polling stations across the country.

31. The Assistance Team supported the development of required regulations and procedures for the conduct of the election and provided legal advice to the Board of Commissioners on several issues related to the electoral process. The legal support included assistance in streamlining the complaints process, including the complaints database and the triage and resolution procedures, and in strengthening the Electoral Commission's legal team, which was supported by lawyers hired from the Baghdad Bar. The Assistance Team also assisted in carrying out field audits and helped the Electoral Commission to enhance its monitoring procedures and practices.

32. The Assistance Team worked closely with the Electoral Commission in developing its voter education strategy and public outreach programmes. The Team helped with the design, production and distribution of 5 million posters and 2 million pamphlets in five languages, and the placement of advertisements explaining the electoral process in 37 newspapers across the country and on 14 television channels, 75 billboards and several radio stations. The team also helped with the accreditation of media officials, the organization of press events and the maintenance of the Electoral Commission's website.

33. Out-of-country voting was conducted on 12 and 13 December in 15 countries using a total of 560 polling stations. The programme was successfully implemented by the Electoral Commission. The Assistance Team supplemented the efforts of the Electoral Commission in terms of general planning, including logistics and operations, and the drafting of the necessary regulations and procedures.

34. During the past year, the Independent Electoral Commission of Iraq has built a considerable capacity of its own. As requested by the Government of Iraq, the United Nations will continue to provide electoral assistance in 2006. Priority activities will include the organization of a lessons-learned exercise concerning the referendum on the Constitution and the December election; strengthening of electoral institutions, including the creation of a permanent Independent High Electoral Commission; support for upcoming governorate and local elections and other electoral events; and providing technical advice and support in the upgrading of the voter register.

C. Constitutional support activities

35. The UNAMI Office of Constitutional Support has started consultations with a broad spectrum of political leaders, academic institutions and non-governmental organizations with a view to assisting in the constitutional review process envisaged

by the Constitution and the development of the legislation, institutions and processes necessary to ensure the effective implementation of the Constitution. Building upon its comprehensive support activities during the previous phase leading to the constitutional referendum on 15 October 2005, the Office plans to engage with the new Iraqi authorities and other Iraqi leaders on both procedural and substantive issues as early as practicable during the government formation process currently under way.

36. The Office is developing advice on the management of the constitutional review process, outlining the key issues that the new Council of Representatives and the Government of Iraq will need to consider in terms of the establishment and rules of procedure of the constitutional review committee. The Office will also provide advice on the substantive issues to be considered by that committee.

37. With regard to the broader process of implementing the Constitution, UNAMI is developing action plans on federalism and decentralization, the rule of law and human rights and national reconciliation, all of which contain a regional outreach component. The plans include a series of workshops aimed at facilitating engagement on the major constitutional issues, which have been designed in cooperation with other United Nations partners. The workshops will be held mostly in the region, but also inside Iraq and in countries outside the region. As a follow-up, the Iraqi participants will brief their constituencies or professional and civil society organizations on the main conclusions of the workshops. The Office intends to assist in these events with funding and experts, if required.

38. In the coming months, the Office will further develop its support activities on the basis of continuous broad-based consultations with the Council of Representatives, the Government of Iraq and its international partners. I welcome the continuing commitment of the European Union to actively supporting the Mission's efforts in this area, including through significant additional financial contributions. Several countries, including Canada, Denmark and Japan, have also signalled interest in supporting the Mission's constitutional support activities.

D. Reconstruction, development and humanitarian assistance

39. In accordance with paragraph 7 (b) of resolution 1546 (2004), UNAMI continued to support the efforts of the Government of Iraq in the areas of reconstruction, development and humanitarian assistance. UNAMI and United Nations agencies, programmes and funds focused on strengthening management capacities in ministries, providing and coordinating basic services and restoring public infrastructure. UNAMI also maintained its leading role in donor coordination. Given the prevailing security conditions and the constraints on the number of staff deployed inside Iraq, many of the Mission's reconstruction, development and humanitarian assistance activities continue to be carried out mainly through international and national implementing partners.

40. The Mission's continued support of Iraqi-led sector working groups resulted in enhanced donor participation in critical sectors such as health, education, the rule of law and energy. As part of its support to the implementation of the national development strategy, led by the Ministry of Planning and Development Cooperation, UNAMI has seconded an international adviser to the Ministry. The Mission has also been facilitating coordination, information flow between the centre

and the provinces and the regular participation of senior Government officials in regional and provincial coordination forums. Similarly, UNAMI has continued to facilitate the participation of local officials in discussions of the Baghdad Coordination Group, the Iraqi Strategic Review Board and other central bodies responsible for reconstruction and development and the allocation of resources.

41. UNAMI, through the efforts of the Deputy Reconstruction and Humanitarian Coordinator, has continued to ensure effective donor coordination in Baghdad. This has allowed for the articulation of common positions among members of the donor community on reconstruction and development challenges, as well as the exchange of information on bilateral donor programmes leading to enhanced efficiency. UNAMI coordination efforts have also led to a greater international focus on issues affecting civil society in Iraq. A senior humanitarian affairs officer seconded by UNAMI will assist the Office of the Prime Minister in creating an emergency coordination and response cell.

42. In an effort to complement the political support role of my Special Representative, the Deputy Special Representative for Reconstruction, Development and Humanitarian Affairs in Iraq, Staffan de Mistura, and his team have emphasized the need for Iraqi leadership on humanitarian and development initiatives as a fundamental element to promote political stability.

43. Ongoing military activities continue to affect the lives of a significant number of Iraqi civilians, especially in the western parts of the country. It is estimated that nearly 100,000 families remain displaced nationwide, although there have been returns to some towns in Al Anbar and Ninewa provinces. UNAMI, United Nations agencies and their partners continued to provide food, shelter and non-food items. Depots were established for pre-positioning stocks to facilitate swift responses to possible emergencies. Efforts to mobilize contingency funding from the International Reconstruction Fund Facility for Iraq and donors have begun to show positive results. It is hoped that this will ensure long-term support for vulnerable civilian populations.

44. The capacity of UNAMI to mobilize United Nations agencies through the Emergency Working Group and to coordinate efforts with local authorities has most recently been demonstrated during the flooding reported in nine governorates (Basra, Diyala, Dohuk, Erbil, Missan, Salahaddin, Sulaymaniyah, Tamim and Wassit) which, according to initial indications, affected approximately 7,890 families or more than 47,000 individuals. Within 24 hours, the area coordinator established contact with local authorities, civil society and United Nations agencies to coordinate United Nations assistance. A special appeal is being developed to request funding for at least the next three months.

45. On 30 January 2006, avian influenza was confirmed as the cause of death of one citizen in Sulaymaniyah governorate in the north of Iraq. This was followed by another confirmed case in the same area, as well as a possible case in the south. The UNAMI health cluster has taken the lead in coordinating the response. A joint technical assessment team of the World Health Organization and the Food and Agriculture Organization of the United Nations travelled to Iraq to determine the next steps in supporting the Government's monitoring and response capacity.

46. In preparation for its support role to the new Government of Iraq, the United Nations country team is revisiting its strategic plan for 2006-2008. Common country

programme training was conducted in early February. The results will be integrated into the strategic plans of the agencies and cluster activities, which are linked to the national development strategy.

E. International Reconstruction Fund Facility for Iraq

47. As at 31 January 2006, the total contributions to the United Nations Development Group (UNDG) Iraq Trust Fund, one of the two windows of the International Reconstruction Fund Facility for Iraq, amounted to $903.4 million. A total of 83 projects valued at $759.3 million were approved at the end of January for funding under the Iraq Trust Fund. At the same time, contracts worth $564.2 million (74 per cent of approved funding) had been initiated and $430.1 million (57 per cent of approved funding) had been disbursed. These figures represent further progress in delivering notable contributions to the reconstruction and development goals of Iraq, particularly considering the security and institutional circumstances under which activities are being carried out.

48. The highest level of disbursement remained in the electoral support cluster ($153.2 million of $174.7 million approved funding). This reflects a significant level of assistance given to the Independent Electoral Commission of Iraq, most recently in organizing the election in December 2005. The infrastructure rehabilitation cluster also posted a significant disbursement of $87.6 million (of $228.9 million approved funding). Together with disbursements under the education and culture cluster ($71 million) and the health and nutrition cluster ($40.3 million), this represents a major contribution in support of the provision of basic services.

49. The UNDG Iraq Trust Fund continues to promote increased transparency and accountability in its operations, particularly through the active use of its website (www.irffi.org). Monthly newsletters, highlights of project progress, details on procurement opportunities and contract award information from all agencies are posted on the site.

50. The fifth meeting of the Donor Committee of the Reconstruction Fund Facility, planned for June 2006, is an opportunity for the new Government of Iraq to present its development priorities. UNAMI will play a key role in supporting the Government in its substantive preparations for the meeting.

F. Human rights activities

51. The human rights situation in Iraq remains a cause of great concern. The UNAMI Human Rights Office continues to receive consistent allegations of human rights violations from individuals, local and national human rights groups and domestic and foreign media. While investigations into these allegations remain difficult owing to the prevailing security situation, the Human Rights Office has been able to corroborate claims through contacts with key ministries, local authorities and a country-wide civil society network.

52. The Government of Iraq faced persistent attacks and terrorist actions by armed groups in large parts of the country, challenging the stability of the country, its ability to protect its citizens and its capacity to provide basic services. Repeated bombings against civilians, mosques and more recently against churches are

creating fear, animosity and feelings of revenge within the communities. A new high in this trend has been observed during the reporting period. In Baghdad alone, 787 bodies were received by the Forensic Institute in December 2005, 479 of which had gunshot wounds. In general, violent tactics have been used by armed groups to kill thousands of police officers and members of the Iraqi security forces over the last months. Other professional groups such as journalists have also paid a high price — since March 2003, more than 80 journalists and media workers have lost their lives as a result of terrorist attacks.

53. The rule of law continues to be challenged by the existence of militias and other groups that act with impunity at both the local and regional levels. In northern Iraq, thousands of Kurdish militias (*Peshmerga*) have been recruited into Iraqi army divisions. The consolidation of local militia power in southern Iraq is resulting in systematic acts of violence against members of the Sunni community in the area. Such developments, including recent efforts to form a Sunni Arab militia, could seriously hamper efforts at promoting national accord.

54. At the same time, the internment of thousands of Iraqis by the Multinational Force and the Iraqi authorities constitutes de facto arbitrary detention. The extent of such practices is not consistent with the provisions of international law governing internment for imperative reasons of security. The problems faced by the prison system in Iraq also remain a matter of particular concern. These detentions are of dubious consistence with Iraqi law, which provides safeguards, limits and conditions that govern authorities other than the Ministry of Justice entitled to hold people in detention.

55. On 14 November 2005, the Multinational Force and Iraqi security forces carried out a joint inspection of Al-Jadiryia detention facility run by the Ministry of the Interior and revealed the confinement of 170 detainees. According to various sources, 101 detainees bore signs of torture and 18 were reported to have died while being detained. The Prime Minister's decision to establish an investigative committee to examine Al-Jadiryia abuses was welcomed by all communities. However, the results of the investigation, which were to be published at the end of November 2005, have not yet been made public, nor have any individuals been brought to justice. I am concerned by the delay in publishing the results of the investigation and in bringing the perpetrators to justice. On 10 February, the United Nations High Commissioner for Human Rights wrote to the Prime Minister asking for the report of the investigation to be released promptly. A separate inquiry was launched to determine the legality and conditions of detention in Iraq, but the findings of that inquiry have not yet been made public.

56. Military operations conducted by the Multinational Force and Iraqi security forces, especially in Al Anbar governorate, have raised a number of human rights concerns. Allegations of restrictions on freedom of movement, excessive use of force, mistreatment and theft during raids of private homes, evictions and demolitions of houses have been received by UNAMI. Such allegations were also raised during the visit of my Special Representative to Ramadi and Fallujah on 20 and 21 February 2006. UNAMI is following up on these issues with the Multinational Force and the relevant Iraqi authorities.

57. UNAMI continues constructive dialogue with key ministries dealing with law and order in Iraq. The Human Rights Office is developing a robust human rights strategy and coordinating efforts to set up a strong national human rights protection

system. This will include the creation of an Iraqi human rights institution independent of the Government. At the same time, the Office is working to strengthen the capacities of key ministries and civil society organizations to promote and protect human rights in conformity with international human rights treaties and the new Constitution. The Human Rights Office aims to strengthen its capacity to monitor the human rights situation in Iraq and support efforts to ensure a coherent approach to transitional justice, including establishing facts, creating effective accountability mechanisms for past violations, and identifying missing and disappeared individuals.

58. The second meeting of the rule of law sector working group was held in Baghdad on 15 February. Representatives of the Ministries of the Interior, Justice, Defence and Human Rights, some members of the Higher Judicial Council (Shura) and donors attended the meeting under the chairmanship of the Chief of the Higher Judicial Council. The meeting agreed on the terms of reference of the working group and the broad areas to be covered. The meeting was also an opportunity to review current donor assistance in this sector.

59. The trial of Saddam Hussein and seven co-defendants has continued. Following the ejection from the courtroom of Barzan Hassan by the presiding judge on 29 January in the wake of an outburst which amounted to contempt, Saddam Hussein walked out of the courtroom. He was followed by his team of privately retained counsel. The defence counsel for Saddam Hussein and his co-defendants failed to appear in court on 1 February and were replaced by an Iraq Higher Tribunal duty counsel, as provided for under Iraqi law. Those of the accused who appeared in court on 1 February signalled their disquiet with the replacement of their counsel. None of the accused appeared on 2 February. The defendants were compelled to appear in the courtroom on the order of the presiding judge on 13 February and the court heard additional witnesses on 13 and 14 February. The privately retained counsel have not been reinstated by the Trial Chamber and the right of the defendants to legal counsel of their choice, together with the conduct of the court to maintain order in the trial, remain key issues.

IV. Security and operational issues

A. Assessment of the security situation

60. Iraq remains a dangerous place and United Nations staff members are at risk of becoming targets of violence. The political transition and attempts to maintain security by the Multinational Force and Iraqi security forces have been accompanied by the development of an increasingly complex armed opposition capable of maintaining a consistently high level of violent activity across the country. Baghdad, Mosul and the western province of Al Anbar have been experiencing the worst of the destruction. Although the southern and northern governorates are less affected, some areas, particularly Basra and Kirkuk, have recently witnessed increased tension and a growing number of violent incidents.

61. The attacks remain highly lethal in character, producing large numbers of casualties among civilians, particularly those seeking to join the security forces. Trends in both targeting and technology are disturbing. In terms of targets, Iraqis involved in work associated with the Multinational Force, foreign construction

companies and infrastructure concerns (such as oil production companies) are seen to be of interest to the various armed opposition groups, as well as politicians, Government workers and their families. Attacks and kidnappings of foreigners, including journalists and humanitarian workers, have once again increased. The attacks, coupled with the destruction of critical infrastructure, have resulted in severe disruptions to the delivery of essential services across the country, including fuel, water and electricity. The targeting of the diplomatic community continues, as embassy staff are being abducted and killed and their facilities are being attacked. As for technology, the percentage of casualties and deaths caused by improvised explosive devices has increased, a trend which can be attributed to improvements in their design, especially in terms of their detonation and armour penetration capabilities.

62. The deteriorating situation is further evinced by the increased levels of sectarian strife, including almost daily reports of intercommunal intimidation and murder. In Baghdad and its surrounding areas, there are regular reports of bodies of Shia and Sunni men with signs of torture and summary execution. Violence affecting Kurds and Arabs has also been reported in Kirkuk, while the abduction and intimidation of ordinary Iraqis is a growing problem.

63. The situation in Basra has also been tense and the Multinational Force has restricted the freedom of movement in the area. Recently, the airport was partially closed under order from the Ministry of Transportation in Baghdad. Demonstrators have demanded the handover of security responsibilities to local authorities.

64. The security of the international zone in Baghdad, which is home to UNAMI premises, is of great importance to all occupants, including the United Nations. Accordingly, the situation, which is in the midst of a transition from Multinational Force primacy to that of the Iraqi security forces, is under constant review by UNAMI and the Department of Safety and Security. At the moment, the integrity of the internal zone perimeter and internal checkpoints is being maintained, but the topic is a regular point of discussion with the Multinational Force to ensure that the current level of security is sustained. From 9 to 13 February 2006, the Under-Secretary-General for Safety and Security, David Veness, visited Iraq. During his visit, he held discussions with interlocutors from UNAMI and the Multinational Force, as well as senior Iraqi officials, as part of the continuous United Nations review of security conditions in Iraq.

65. The Organization's presence and its ability to operate effectively in Iraq remain severely constrained by the security environment. This high-risk setting greatly restricts freedom of movement, especially by road. To provide United Nations staff members with the best security possible, and therefore ensure that the Organization is able to maintain a presence in Iraq, a number of mitigating and protective measures have been introduced, which are both expensive and time-consuming. These constraints underline the responsibility of all staff members to adhere strictly to the security measures in place. Moreover, the United Nations is dependent on the Multinational Force for movement security and threat information. To keep pace with the constantly changing security dynamics, the UNAMI security unit requires access to accurate information on a regular and timely basis. In this regard, I would like to thank Member States for responding positively to the request in my previous report for additional military advisers and military liaison officers.

66. I remain grateful for the personal security detail and guard units contributed by Fiji and for the "middle-ring" protection provided by troops from Georgia, the Republic of Korea and Romania. Contributions to the trust fund established to support a distinct entity under the unified command of the Multinational Force, with a dedicated mission to provide security for the United Nations presence in Iraq, stand at over $20 million from 15 Member States. Payments to Georgia and Romania for middle-ring protection as at 31 December 2005 amounted to $7.9 million. An interim financial report of the trust fund and a briefing were provided to the contributors in January 2006. I thank Member States for their continued support in allocating the necessary personnel, equipment and operating funds to UNAMI.

B. Facilities, logistics and support

67. The availability of dedicated air assets is essential for the Mission to implement its mandate effectively. However, the acquisition of such assets by the United Nations in Iraq remains a major challenge. The deployment of additional personnel to Erbil and Basra will remain on hold until this issue is resolved. Several Member States and NATO were approached with a request to provide such assets. So far, no positive responses have been received. I strongly urge Member States with the necessary capabilities to assist the United Nations with this critical requirement.

68. UNAMI continues to maintain offices in Baghdad, Kuwait and Amman, as well as small United Nations liaison detachments in Erbil and Basra. The construction of the new regional office in Erbil is completed. UNAMI national staff have already moved into the new premises there. The refurbishment and construction of the Basra regional office has advanced with the completion of living quarters for the United Nations Guard Unit and offices for personnel. Additional infrastructure requirements are near completion and the finalization of the whole project is expected late in March or early in April 2006.

69. I am grateful to the Government of Iraq for offering the United Nations a site in Baghdad. UNAMI is exploring the possibility of establishing, as a matter of urgency, a single integrated United Nations compound at the site, which could serve as a long-term location for the United Nations presence in Iraq.

C. Agreements

70. An agreement between the United Nations and the United States of America with respect to the protection of the United Nations presence in Iraq by the Multinational Force was concluded on 8 December 2005. That agreement forms an important foundation for the security of United Nations staff in Iraq. I welcome its conclusion. UNAMI is currently negotiating a series of supplementary arrangements with the Multinational Force to implement the agreement, and I look forward to their early finalization.

71. The United Nations continues to await approval of the status-of-mission agreement with the Government of Iraq, signed on 3 June 2005. This confirmation is important, as it will offer UNAMI the legal status necessary to fulfil its mandate and tasks. The agreement will enter into force following the completion of an exchange of notes of approval between the parties. The United Nations sent such a note to the

Government of Iraq on 6 June 2005, and I urge the newly elected Government to confirm its approval by way of a corresponding note.

72. Despite a number of requests for action by UNAMI, the agreement between Kuwait and the United Nations concerning the activities of UNAMI in Kuwait is still awaiting ratification by the Parliament of Kuwait. The delay in ratification has become an obstacle to the operations of the United Nations in the region. I nevertheless welcome the decision of Kuwait to address the anomalous legal situation of locally recruited UNAMI staff by issuing residency permits for a period of one year.

V. Observations

73. With the certification of the results of the December election on 10 February 2006, the transition timetable set forth in the Transitional Administrative Law and endorsed by resolution 1546 (2004) has been completed. While Iraq has met all the key benchmarks of this timetable, it continues to face formidable political, security and economic challenges. As demonstrated by the heinous bombing of the shrine of Imams Al-Hadi and Al-Askari in Samarra and its aftermath, sectarian violence has emerged as a main threat to the security and stability of Iraq. Mutual trust and national reconciliation must remain the top priority in setting Iraq on an irreversible path towards a peaceful and democratic future. The political and civil society leadership of Iraq must proclaim and implement their commitment to the unconditional respect for individual human rights and the establishment of the rule of law. In this endeavour, Iraq will continue to require sustained international support in the years to come.

74. The United Nations continues to believe that sustained and enhanced efforts to promote an inclusive, participatory and transparent political process that responds to the aspirations of all of Iraq's communities offer the best prospects for improving the overall security situation, consolidating the democratic process and improving the welfare of the Iraqi people. Recent calls for calm, restraint and dialogue by a diverse spectrum of Iraq's political leaders give grounds for hope. The need for sustained intercommunal dialogue and confidence-building measures to promote national reconciliation is all the more urgent now. The United Nations will continue to do everything possible to support such efforts.

75. In the coming period, the United Nations will therefore continue to make every effort to implement its mandate under Security Council resolutions 1546 (2004) and 1637 (2005), maintaining its core political, electoral and constitutional activities under paragraph 7 (a) of resolution 1546 (2004) while planning and implementing its reconstruction, development, humanitarian and human rights activities in a phased and integrated manner, as circumstances permit. The emphasis of its overall political strategy will be to institutionalize these processes and to promote national dialogue and reconciliation.

76. While the election held in December for the new Council of Representatives was the third national electoral event during the past year, it was the first election in which all Iraqi constituencies participated in large numbers as candidates and voters. The fact that the election generally met international standards and enjoyed a high turnout, despite an ambitious timetable and a very challenging political and security environment, is not a small achievement. During the past year, the Independent

Electoral Commission of Iraq has built a considerable capacity of its own, which will be a solid foundation for the conduct of future electoral events. As requested by the Government of Iraq, the United Nations will continue to provide electoral assistance in 2006.

77. With the discussions on government formation under way, Iraq has embarked on the next important phase of its political transition. I am encouraged that the new Council of Representatives is broadly representative of Iraq's communities and includes a substantial percentage of women. It is now incumbent on the parties represented in the Council to work with resolve towards the early formation of a fully inclusive Government, which remains a major challenge. Once established, the new Government will have a unique opportunity to demonstrate responsible leadership by uniting to develop an agreed national compact that is responsive to the aspirations of all of Iraq's communities.

78. The constitutional review process envisaged by the Constitution will be a key step in forging such a national compact. The Constitution provides for the early establishment of a Constitutional Review Committee of the Council of Representatives. It is my hope that the members of the new Council will use this process to reach a national consensus on a strong framework for the Iraqi State, which is an essential prerequisite for the country's long-term stability. On the basis of preliminary consultations with a broad spectrum of political leaders, the United Nations, in close cooperation with the European Union and other international partners, is fully committed to supporting the constitutional review process and the effective implementation of the Constitution.

79. The completion of the transition timetable should also encourage Iraq's political and economic reintegration into the region. Building on initiatives undertaken so far, there is a need to consider new ways to promote greater regional engagement between Iraq and its neighbours. While countries of the region have legitimate concerns about the current situation in Iraq, they also have an essential responsibility to do everything possible to promote peace and stability in the country. I remain supportive of the initiative by the League of Arab States to convene a Conference on Iraqi National Accord, which could potentially contribute to forging a broader national consensus in Iraq. In addition, the time has come to take the necessary steps to normalize the international status of Iraq, particularly in the Security Council.

80. The focus of UNAMI over the past year has been on the implementation of the benchmarks envisaged by the Security Council in resolution 1546 (2004). While political facilitation will remain a priority in 2006, the Mission intends to strengthen its activities in the other key areas of its mandate, particularly reconstruction and development. One of the key priorities of the new Government of Iraq will be tangible improvement of the quality of life for all Iraqis. UNAMI will therefore maintain an important role in donor coordination. UNAMI also intends to increase its assistance activities in seven key areas which are focused on strengthening the management capacity in ministries, coordinating the provision of basic services and supporting the restoration of public infrastructure. The fifth meeting of the Donor Committee of the International Reconstruction Fund Facility for Iraq, planned for June, should also be seen as an important opportunity in this regard.

81. The human rights situation in Iraq remains a cause of great concern. In its latest bimonthly human rights report, UNAMI alerted the international community

to issues of mass detention, torture and extrajudicial killings. The Multinational Force and the Iraqi security forces have a particular responsibility to act in full accordance with international humanitarian and human rights law. While the Government has taken initial steps to address the situation, there is a need for further measures to ensure that both past and present abuses are dealt with on the basis of the rule of law and in accordance with international obligations. Without an improvement in the human rights situation, the development of mutual trust and national reconciliation efforts will prove elusive. Once established, the new Government will have a particular responsibility to enhance its efforts in this regard.

82. I remain gravely concerned by the security situation as demonstrated by the large number of casualties among civilians as a result of terrorist, insurgent, paramilitary and military action. I also remain very concerned about the increasingly sectarian nature of the violence, particularly in ethnically mixed areas, to which the almost daily reports of intercommunal intimidation, murder and attacks against sacred buildings bear testimony. The role of militias and irregular armed elements remains disturbing in this regard. The training of Iraqi security forces is an indispensable step towards improving the security situation. I take note of the efforts of the Multinational Force in this domain. Ultimately, the best way to address the security situation, beyond the training of Iraqi security forces, is to ensure a credible and inclusive political process and rapid improvement in the basic living conditions of the Iraqi people.

83. While UNAMI is seeking to step up its activities following the completion of the transition timetable endorsed in resolution 1546 (2004), in the current political and security environment in Iraq United Nations staff members remain at risk of becoming targets of violence. Staff security therefore remains the Mission's overarching guiding principle. Given the continuously changing environment on the ground, UNAMI must develop flexible plans for its operations and security arrangements. Although the nature of the deployment of the Multinational Force is likely to change, the Mission's need for a dedicated protection force for all its activities in Iraq remains. Operational constraints, such as the lack of dedicated air assets, will also have to be addressed as a matter of priority. I look forward to continuing engagement with Member States on the practical steps that need to be taken to provide UNAMI with the necessary level of support to fulfil the long-term commitment of the United Nations to supporting the people of Iraq. The development of a new integrated United Nations complex in Iraq will be essential in this regard.

84. As Iraq enters a new phase of its transition, I am pleased that UNAMI, under the leadership of my Special Representative, Ashraf Qazi, was able to provide all the necessary assistance in enabling Iraq to meet the key benchmarks of its political transition under resolution 1546 (2004). I also wish to pay tribute to the national and international staff of UNAMI and United Nations agencies for their dedicated work under very challenging circumstances.

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Security Council
Sixty-first year

Identical letters dated 3 March 2006 from the Chargé d'affaires a.i. of the Permanent Mission of Lebanon to the United Nations addressed to the Secretary-General and the President of the Security Council

On instructions from my Government, I transmit to you herewith a detailed statistical table showing the number of Israeli violations of Lebanese sovereignty which occurred during February 2006, i.e., a total of 72 violations.

These violations are in contravention of the relevant Security Council resolutions, the latest of which is resolution 1655 (2006), and go against the Secretary-General's repeated calls for their cessation, most recently in his report S/2006/26 of 18 January 2006. Lebanon counts on the United Nations to compel Israel to desist from those violations, which constitute a threat to international peace and security, and holds Israel responsible for any consequences to which those acts may give rise.

I should be grateful if you would have this letter and its annex circulated as a document of the General Assembly, under agenda item 14, and of the Security Council.

(*Signed*) Caroline **Ziadeh**
Chargé d'affaires a.i.

06-26059 (E) 060306 060306

Annex to identical letters dated 3 March 2006 from the Chargé d'affaires a.i. of the Permanent Mission of Lebanon to the United Nations addressed to the Secretary-General and the President of the Security Council

Statistical table showing Israeli violations of Lebanese sovereignty during February 2006

Air violations				*Sea violations*	*Land violations*			*Total violations*
					Military acts of aggression	*Field violations*	*Breaches*	
Military jet	Reconnaissance	Helicopter	Total	Crossing of territorial waters, artillery fire and shooting of flares and firebombs over territorial waters	Air raids, artillery shelling, shelling of military positions and important posts, attacks on and killing of civilians	Gunfire, Launching of firebombs, dropping of artillery missiles, infiltration and crossing of international borders	Threats and displaying of weapons, bulldozing of soil, placing of barbed wire and setting up of installations inside Lebanese territory	
20	**21**	**4**	**45**	**8**	**3**	**9**	**7**	**72**

United Nations S/2006/139

Security Council

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Letter dated 3 March 2006 from the Secretary-General addressed to the President of the Security Council

I have the honour to refer to Security Council resolution 1654 (2006) concerning the Democratic Republic of the Congo. In paragraph 1 of the resolution, the Council requested me to re-establish the Group of Experts referred to in paragraph 10 of resolution 1533 (2004) and paragraph 21 of resolution 1596 (2005), in consultation with the Committee established pursuant to paragraph 8 of resolution 1533 (2004), within 30 days from the date of adoption of resolution 1654 (2006) and for a period expiring on 31 July 2006.

Accordingly, I wish to inform you that I have appointed the following five experts:

Ibra Déguène Ka (Senegal)

Jacques A. J. Buisson (Canada, arms trafficking expert)

Enrico Carisch (Switzerland, finance expert)

Abdoulaye Cissoko (Mali, aviation expert)

Jean-Luc Gallet (France, customs and border control expert)

I have also designated Ambassador Ibra Déguène Ka to serve as the Chairman of the Group of Experts.

I should be grateful if you would bring this information to the attention of the members of the Security Council.

(*Signed*) Kofi A. **Annan**

06-26182 (E) 070306

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Report of the Secretary-General on Ethiopia and Eritrea

I. Introduction

1. The present report is submitted pursuant to paragraph 12 of Security Council resolution 1320 (2000) of 15 September 2000 and provides an update on the peace process since my report dated 3 January 2006 (S/2006/1). The report also describes the activities of the United Nations Mission in Ethiopia and Eritrea (UNMEE), the current mandate of which expires on 15 March 2006.

II. Status of the Temporary Security Zone and adjacent areas

2. While there have been no serious incidents in the UNMEE area of responsibility since my previous report, UNMEE still assesses the military situation in the Mission area as tense. Eritrea's restrictions on UNMEE remain in place and continue to inhibit the Mission's ability to effectively carry out its monitoring and verification tasks.

3. Since the redeployment of the Ethiopian Armed Forces from forward positions in December 2005, in accordance with the demand of the Security Council in its resolution 1640 (2005) of 23 November 2005, Ethiopian Armed Forces troops that currently remain deployed south of the Temporary Security Zone appear to be maintaining a defensive posture. UNMEE reports that those troops are conducting military training and are in a state of high alert.

4. On the Eritrean side, in the areas adjacent to the Temporary Security Zone, the Eritrean Defence Forces are engaged in training exercises, especially in Sectors West and Centre. During the reporting period, UNMEE observed the continued presence of groups of armed personnel inside the Temporary Security Zone, at more than 15 locations, with a strength of 80 to 150 personnel at each location. Since these armed personnel refuse to present identity cards to UNMEE observers that would identify them as militia, UNMEE suspects that at least some of them could be regular troops. However, neither tanks, artillery nor any large-scale concentrations of Eritrean armed personnel have been observed inside the Temporary Security Zone.

Freedom of movement

5. Restrictions imposed on UNMEE operations by the Eritrean authorities continue to hamper the Mission's ability to carry out its mandated tasks, including

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essential monitoring tasks. UNMEE patrols experience restrictions on their freedom of movement inside the Temporary Security Zone, especially in Sectors West and Centre. Restrictions have similarly been imposed on the Mission's night patrols. Furthermore, the patrols are denied visits to the areas around the posts that were vacated following the ban on helicopter flights, which also remains in place.

6. As I noted in my previous report to the Council (S/2006/1), UNMEE estimates that as a result of the helicopter ban and other restrictions on United Nations ground patrols imposed by Eritrea both outside and inside the Temporary Security Zone, the Mission has been able to monitor only 40 per cent of the territory within its area of responsibility. Despite various restrictions and other difficulties, the Mission continues, to the extent possible, to carry out its major monitoring and verification functions through, inter alia, an average of more than 100 patrols per day and by maintaining dozens of stationary checkpoints.

Military Coordination Commission

7. The Military Coordination Commission held its 34th meeting in Nairobi on 13 January 2006. During the meeting, the Eritrean delegation stated that Eritrea could not accept Security Council resolution 1640 (2005) because it dealt with secondary issues while overlooking Ethiopia's intransigence with regard to demarcation of the border. The Ethiopian delegation expressed serious concern over the degradation of the Mission's monitoring capability due to the severe restrictions imposed by Eritrea, as well as Eritrea's expulsion of UNMEE staff of selected nationalities. Nevertheless, both delegations expressed appreciation for the work being done by UNMEE and reaffirmed their commitment to peace.

III. Status of the Mission and related issues

8. As at 28 February 2006, the total strength of the UNMEE military component stood at 3,355, comprising 3,069 troops, 78 headquarters staff and 208 military observers (see annex I).

9. I have previously expressed my serious concern about the helicopter ban imposed by the Eritrean authorities on UNMEE operations, including on aerial medical evacuations in Eritrean airspace. This unacceptable restriction puts peacekeepers at grave and unnecessary risk. On 1 March an Indian peacekeeper who had suffered a cardiac arrest in Adigrat died after having been evacuated to Addis Ababa. In the normal course of events, he would have been evacuated by helicopter to the UNMEE level II hospital in Asmara. However, as a result of the Eritrean restriction, the soldier had to be evacuated by UNMEE helicopter and then by fixed-wing aircraft to Addis Ababa. The Indian lance corporal died shortly after reaching the hospital in the Ethiopian capital. This tragic case was the tenth instance in which UNMEE was compelled to carry out medical evacuation by alternative means since the Eritrean helicopter ban was imposed in October 2005. I am alarmed by this tragic death and am reminding Eritrea of its responsibility to ensure the safety and security of the peacekeepers it invited to perform vital functions pursuant to the Agreement on Cessation of Hostilities of 18 June 2000.

10. The temporary relocation of staff, carried out in December following the Eritrean demand that UNMEE personnel of certain nationalities leave the country, has had an adverse impact on the operations of the Mission. Most civilian

components of the Mission are now seriously understaffed. The relocation has also adversely affected the composition of United Nations military observer teams and patrols, which routinely need to cross the southern boundary of the Temporary Security Zone into Eritrea. The initial problems of providing office accommodation in Addis Ababa for the relocated staff have been overcome owing to the hospitality extended by the Economic Commission for Africa, which has allowed UNMEE to use one of its buildings on a temporary basis.

11. On 23 January the Government of Eritrea notified UNMEE of new "immigration regulations" applicable to Mission personnel entering and departing from Eritrea, requiring, among other things, UNMEE personnel to apply for entry and exit visas five days prior to arrival or departure. The new procedures present further unacceptable operational constraints on the Mission, as they unnecessarily restrict and control the movement of UNMEE personnel and impede the travel of Mission personnel to and from Eritrea. The regulations contravene the model status-of-forces agreement, which applies in the absence of an agreed status-of-forces agreement with Eritrea, as well as the Charter of the United Nations, which provides that the Organization and its staff "shall enjoy such privileges and immunities as are necessary for the fulfilment of its purposes". A protest on the matter has been lodged with the Eritrean authorities in Asmara and in New York, and the Government has been urged to rescind the regulations.

12. In the period between 11 and 14 February, Eritrean security personnel detained a total of 27 locally recruited UNMEE staff. While most were released in the following days, one remains in detention. Such detentions have taken place on several occasions in the past, usually on the grounds that the staff were required to fulfil "national service" obligations. As the detentions contravene provisions of the model status-of-forces agreement and the Charter and serve to undermine the Mission's operations, strong protests have been lodged with the Eritrean authorities.

13. The Department of Peacekeeping Operations, in consultation with UNMEE, has been undertaking detailed contingency planning with respect to possible options for the future deployment of the Mission, as set out in my previous report to the Council. This contingency planning has focused on the options most favoured by Security Council members during previous consultations, namely, conversion to an observer mission, redeployment of the Mission's Asmara headquarters presence, along with military units integral to it, to Ethiopia and, lastly, reduction to a liaison presence in both capitals.

14. As stated in my previous report, none of the contemplated options is perfect. Ideally, the options should meet a number of criteria that would be taken into account in deciding on the Mission's future. These criteria include key principles of United Nations peacekeeping, including the need for freedom of movement and respect for the international nature of the Mission and the Secretary-General's authority to assign personnel; the continued fulfilment of the Mission's mandate and the integrity of the Temporary Security Zone; and the safety of United Nations peacekeepers, which is put at a grave risk by the denial of emergency air medical evacuations by the Eritrean authorities.

15. I regret to report that no progress has been made on the issue of the direct flight route between Asmara and Addis Ababa. I appeal once again to the Government of Eritrea to address this important issue as a matter of urgency.

IV. Diplomatic initiative

16. Further to my earlier appeals to the witnesses to the Algiers Agreement of 12 December 2000 to play a concerted role in assisting the two countries to resolve the current stalemate, I wrote to the witnesses, on 28 December 2005, to explore the possibility of convening a high-level meeting of the witnesses to discuss ways of advancing the peace process. Shortly after my previous report was issued in January, the United States of America launched a diplomatic initiative aimed at breaking the impasse and encouraging the parties to resume the demarcation of the border. I welcome this important initiative by the United States, which deserves the backing of the international community and the full cooperation of the parties.

17. In a demonstration of their support for the diplomatic initiative of the United States, the witnesses to the Algiers Agreement (the African Union, Algeria, the European Union, the United Nations and the United States), as well as a number of other interested Member States, met in New York on 22 February. In a statement issued following the meeting, the witnesses welcomed and endorsed the initiative of the United States to resolve the current impasse in the peace process between Eritrea and Ethiopia; stressed that the parties must implement the Algiers Agreement fully and without qualification; expressed their expectation that the parties would uphold their commitment to the final and binding determinations of the Eritrea-Ethiopia Boundary Commission; and urged the Commission to convene a meeting with the parties and consider the need for technical discussions with the support of a neutral facilitator. The statement strongly urged the parties to attend the Boundary Commission meeting and to cooperate with and abide by all requirements specified by the Commission in order to successfully conclude the demarcation process. The witnesses further noted that demarcation of the border could not proceed unless UNMEE were allowed full freedom of movement throughout its area of operations and urged the parties to permit UNMEE to perform its duties without restrictions. The statement by the witnesses was subsequently endorsed by the Security Council in a statement by its President dated 24 February 2006 (S/PRST/2006/10).

18. A report dated 27 February 2006 provided by the President of the Eritrea-Ethiopia Boundary Commission describing the Commission's activities is annexed to the present report (see annex II).

19. I appeal to the parties to move quickly to take advantage of the current initiative and to attend and apply themselves fully in the meeting, which the Boundary Commission seeks to convene by mid-March. The United Nations stands ready to assist the parties and the Boundary Commission in concluding the demarcation process, which is long overdue. Pursuant to Security Council resolution 1430 (2002), the Mission's mandate was adjusted, in order to assist the Boundary Commission in the implementation of its delimitation decision, to include demining in support of demarcation and administrative and logistical support for the field offices of the Commission. As recognized in the statement by the witnesses to the Algiers Agreement, all restrictions on UNMEE operations have to be lifted in order for the Mission to be able to support the demarcation process as mandated.

20. As reported previously, considerable funds will be required for the demarcation of the border. It is estimated that at least $10 million would be required for the entire exercise. These costs are being funded from the United Nations Trust Fund in Support of the Delimitation and Demarcation of the Ethiopia-Eritrea Border.

Voluntary contributions and pledges to the Trust Fund total some $11.6 million, with $3.6 million available at this time. The resumption of demarcation activities would therefore require substantial replenishment of the Trust Fund, for which I appeal to Member States.

V. Mine action

21. Landmines and unexploded ordnance remained a major threat to the people living and working in the Temporary Security Zone and the adjacent areas, hindering the return to normality of the affected people in both countries. In January and February 2006, five mine incidents and two accidents involving unexploded ordnance were reported in Sectors West and Centre respectively, resulting in fatalities and serious injuries to civilians. UNMEE conducted investigations into the incidents and concluded that the mines had been laid recently.

22. The lack of an aerial medical evacuation capability on the Eritrean side continued to hamper UNMEE demining efforts, as all operations remain suspended in and north of the Temporary Security Zone. However, the Mission continued to coordinate limited demining operations in the adjacent areas south of the Zone. UNMEE demining units, together with commercial contractors, cleared a total of 617 kilometres of roads and over 49,000 square metres of land. They have also begun to re-clear high-priority routes in Sector West to assist with force mobility requirements. This task will continue into Sector Centre and Subsector East, as force elements identify important routes for their daily operations. Since my previous report, UNMEE has provided mine risk education to 6,539 inhabitants in Sector Centre and Sector West.

VI. Human rights

23. UNMEE continued to monitor conflict-related human rights issues in the Mission area. UNMEE received reports that suggested an increase in incidents of persons who cross the border from either side, as well as cases of abduction, violations of the right to life and disappearances. On a positive note, however, local authorities have generally demonstrated remarkable cooperation towards settling incidents of cattle rustling amicably.

24. On 20 January a total of 172 persons of Ethiopian origin and 11 persons of Eritrean origin were repatriated from Eritrea and Ethiopia respectively under the auspices of the International Committee of the Red Cross and with the assistance of UNMEE. I reiterate my earlier appeals to ensure that all repatriations remain voluntary and that they are conducted in a proper and dignified manner.

VII. Public information

25. UNMEE public information activities continued through the broadcast of its weekly radio programmes, the conduct of fortnightly press briefings, the production of videos and the publication of monthly newsletters. The UNMEE outreach centres in Ethiopia, located in Addis Ababa, Mekelle and Adigrat, continued to register an increase in the number of group visits during the period under review. In addition to

utilizing the outreach centres as sources of objective information on the peace process, the local population, particularly students, are increasingly employing them as reference points for United Nations or UNMEE-related topics in academic assignments.

VIII. Humanitarian developments

26. The eastern lowlands of Eritrea currently face serious drought conditions, as the shortage of rainfall has gravely affected the farmers and caused heavy losses of small livestock. To alleviate the situation, the United Nations and non-governmental humanitarian organizations are coordinating a response to support the Government in providing animal feed. The Government has asked non-governmental organizations to resume the distribution of food aid, which had been suspended in a limited number of sub-zobas in the Debub and Southern Red Sea Zobas, targeting respectively 50,000 and 293,000 beneficiaries for general relief feeding. Following the Government's rejection of a consolidated appeal for 2006, the United Nations country team, non-governmental organization partners and donors are in the process of preparing a common humanitarian action plan to map out the overall humanitarian response and build the basis for a common strategy regarding emerging needs.

27. In Ethiopia the Government, the United Nations and humanitarian partners on 23 January appealed for $166 million in emergency food and non-food assistance. The majority of the funds requested will go towards life-saving non-food interventions in health and nutrition, water and sanitation, and agriculture, which collectively amounts to about $111 million.

X. Financial aspects

28. The General Assembly, by its resolution 59/303 of 22 June 2005, appropriated the amount of $185,993,300 (gross), equivalent to $15,499,441 per month, for UNMEE for the financial period from 1 July 2005 to 30 June 2006. The assessment of these amounts is subject to the decision of the Security Council to extend the mandate of the Mission. Should the Council decide to extend the mandate of UNMEE beyond 15 March 2006, the cost of maintaining the Mission until 30 June 2006 would be limited to the amounts approved by the Assembly. As at 30 November 2005, unpaid assessed contributions to the Special Account for UNMEE amounted to $69.3 million. The total outstanding assessed contributions for all peacekeeping operations as at that date amounted to $1,988 million.

X. Observations

29. The protracted stalemate between Eritrea and Ethiopia remains a source of great concern, and I urge both parties to take the necessary steps to move the peace process forward. If the present situation persists, any miscalculation by the parties could result in a rapid escalation, with unpredictable consequences for the two countries and for regional stability.

30. Indeed, the impasse in the peace process has become increasingly untenable. The diplomatic initiative of the United States and the meeting of the witnesses, held

in New York on 22 February, are therefore positive developments, which I hope will create the momentum necessary to end the stalemate. It will be recalled that, on several occasions, I had appealed to the witnesses to the Algiers Agreement — individually or collectively — to assist the parties in resolving their differences. In December 2005 I wrote to them to explore the possibility of convening a meeting in order to advance the peace process. It is a source of encouragement, therefore, that the witnesses have demonstrated resolve and unity, calling upon the parties to fulfil their commitments under the Algiers Agreement, as well as for the early demarcation of the border. The endorsement by the Council of this document, in its presidential statement of 24 February 2006 (S/PRST/2006/10), reflects the renewed commitment of the international community to support the parties in the full implementation of their obligations under the Algiers Agreement.

31. The proposed convening by the Boundary Commission of a meeting with the parties in early March comes at a crucial moment. Eritrea and Ethiopia should seize this unique opportunity and extend the necessary cooperation to the Boundary Commission so that the expeditious demarcation of their common border can take place. In this context, the recommended role of the neutral facilitator will be very important. The parties' commitment to this process should also lead to an early normalization of relations between the two neighbouring countries. Both Governments and peoples stand to gain immensely from such a course of events, which is also essential for regional stability.

32. In view of the ongoing United States diplomatic initiative, the Security Council decided to maintain the current configuration of UNMEE for the time being. In the circumstances, I recommend that the Council consider extending the Mission's mandate for two to three months in order to allow for the diplomatic process to proceed and the forthcoming meeting of the Boundary Commission to bear fruit. Meanwhile, the options referred to in my previous report will be kept under review.

33. For the current initiative to proceed, all restrictions on UNMEE operations have to be lifted. In order for UNMEE to be able to support the demarcation process, the Mission must be able to perform its duties without restrictions and with full freedom of movement throughout its area of operations, including as regards the use of all its air assets and the availability of all its staff, irrespective of their nationality, in both host countries. UNMEE is currently undertaking a comprehensive review of requirements and actions that need to be taken by the Mission to enable it to extend its mandated support to the demarcation process, without delay, when requested to do so.

34. In conclusion, I wish to express my gratitude to my Special Representative, Legwaila Joseph Legwaila, and to the UNMEE civilian and military personnel for their continued commitment, hard work and perseverance, especially in the face of an increasingly difficult working environment. I would further like to thank all the Mission's partners, including the United Nations country teams and other humanitarian agencies, individual Member States, the African Union and other international organizations for the support they continue to lend to the peace process. I also pay special tribute to the troop-contributing countries for their continued support, despite the numerous restrictions imposed on the Mission.

Annex I

United Nations Mission in Ethiopia and Eritrea: military contributions as at 28 February 2006

Country	*Military observers*	*Troops*	*Staff*	*Total*	*National support elements*
Algeria	1			1	
Austria	2		1	3	
Bangladesh	7	168	7	182	
Bosnia and Herzegovina	10			10	
Bulgaria	5		2	7	
China	7			7	
Croatia	7			7	
Czech Republic	2			2	
Denmark	4			4	
Finland	7			7	
France			1	1	
Gambia	4		2	6	
Germany	2			2	
Ghana	11		4	15	
Greece	3			3	
India	7	1 585	22	1 614	
Iran, Islamic Republic of					
Guatemala	3			3	
Jordan	7	970	12	989	
Kenya	10	313	4	327	
Malaysia	7		4	11	
Namibia	4		3	7	
Nepal	5			5	
Nigeria	5		3	8	
Norway	5			5	
Paraguay	4			4	
Peru	3			3	
Poland	6			6	
Romania	8			8	
Russian Federation	6			6	
South Africa	4			4	
Spain	3		1	4	
Sweden	5			5	
Switzerland	3			3	
Tunisia	4		4	8	

Country	*Military observers*	*Troops*	*Staff*	*Total*	*National support elements*
Ukraine	7			7	
United Republic of Tanzania	8		1	9	
United States of America	7			7	
Uruguay	5	33	3	41	
Zambia	10		4	14	
Total	**208**	**3 069**	**78**	**3 355**	**0**

Annex II

Eritrea-Ethiopia Boundary Commission: twentieth report on the work of the Commission

1. This is the twentieth report of the Eritrea-Ethiopia Boundary Commission, covering the period from 1 December 2005 to 28 February 2006.

2. The Commission takes note of the following statement of the witnesses to the Algiers Agreement of 22 February 2006:

> The witnesses recall that both Ethiopia and Eritrea committed themselves to accepting the delimitation and demarcation determinations of the Eritrea-Ethiopia Boundary Commission as final and binding, under article 4.15 of the Algiers Agreement of 12 December 2000. The witnesses expect each Government to uphold its commitment and to cooperate with the Boundary Commission to implement its decisions without further delay. The witnesses urge the Commission to convene a meeting with the parties and invite the Commission to consider the need for technical discussions with the support of a neutral facilitator to assist with the process of demarcation. The witnesses strongly urge the parties to attend the Boundary Commission meeting and to cooperate with and abide by all requirements specified by the Commission in order to successfully conclude the demarcation process.

3. The Commission further notes the following statement of the President of the Security Council dated 24 February 2006 (S/PRST/2006/10):

> The Security Council recalls that under the Algiers Agreements, both Eritrea and Ethiopia have agreed to accept the delimitation and demarcation decisions of the Eritrea-Ethiopia Boundary Commission as final and binding.
>
> In this regard, the Security Council calls on both sides to cooperate with the Boundary Commission to implement its decisions without further delay.
>
> The Security Council urges the Boundary Commission to convene a meeting with the parties to prepare to resume demarcation and strongly urges the two parties to attend the Boundary Commission meeting and to cooperate with and abide by the requirements specified by the Boundary Commission, in order to successfully conclude the demarcation process.

4. Although there has been little change in the situation since the Commission's report of 5 December 2005 (S/2006/1, annex I), the Commission considers that a further attempt should now be made to secure the consent of both parties to the resumption of the demarcation process that was interrupted in 2003. It is, therefore, seeking to arrange a meeting with the parties to that end in early March 2006.

(*Signed*) Sir Elihu **Lauterpacht**
President of the Eritrea-Ethiopia Boundary Commission
27 February 2006

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Agenda item 40
The situation in the occupied territories of Azerbaijan

Security Council
Sixty-first year

Letter dated 6 March 2006 from the Permanent Representative of Armenia to the United Nations addressed to the Secretary-General

I am writing in response to the letters dated 21 February and 24 February 2006 from the Permanent Representative of Azerbaijan to the United Nations regarding the tragedy in Khojaly, circulated as documents of the General Assembly and the Security Council (A/60/686-S/2006/118 and A/60/697-S/2006/128).

The letters continue the pattern of distorted and groundless accusations against my country, conveniently forgetting that the events of those years were clearly documented through eyewitness testimonies, and Azerbaijani ones among them (see annex). My delegation has previously reflected on the issue on several occasions, most recently in document A/59/743-S/2005/184. The truth about the Khojaly tragedy is revealed and clearly demonstrated in the accounts of Azerbaijanis covering the event and dealing with it. In an interview with the Czech journalist Jana Mazalova in March 1992, only days after the events, the then President of Azerbaijan stated, "The massacres were staged".

I should be grateful if you would have the present letter and its annex circulated as a document of the sixtieth session of the General Assembly, under agenda item 40, and of the Security Council.

(*Signed*) Armen **Martirosyan**
Ambassador
Permanent Representative

06-26132 (E) 070306

Annex to the letter dated 6 March 2006 from the Permanent Representative of Armenia to the United Nations addressed to the Secretary-General

The truth about the events in Khojaly: evidence from Azerbaijani sources

For already 14 years after the vents in Khojaly, official Baku has been obstinately fanning anti-Armenian hysteria with the aim of falsifying the factual history and trying to put the blame for those tragic events on Armenians.

The events in Khojaly, which led to the deaths of civilians, were the result solely of political intrigues and power struggle in Azerbaijan.

The real reasons are most convincingly reflected in the accounts of Azerbaijanis themselves — as participants in and eyewitnesses to what happened — as well as of those who know the whole inside story of the events in Baku.

Khojaly, along with Shushi and Agdam, was one of the main strongholds from which Stepanakert, the capital of the Nagorno Karabagh Republic, was shelled continuously and mercilessly for the three winter months of 1991/92 with artillery, missiles and launchers used for targeting cities.

Knocking out the weapon emplacements in Khojaly and thus freeing the airport were the only way for the Nagorno Karabagh Republic to ensure the physical survival of its population, condemned by Azerbaijan to complete annihilation. The daily shelling of Stepanakert from nearby Khojaly took the lives of hundreds of peaceful inhabitants — women, children and old people.

The then President of Azerbaijan, Ayaz Mutalibov, has stated that "the assault on Khojaly was not a surprise attack".[a] In an interview in 1992 with the Russian newspaper *Nezavisimaya Gazeta* he emphasized that "a corridor was kept open by the Armenians for people to leave".[b] However, a column of civilians was fired on by armed units of the Popular Front of Azerbaijan on the approaches to the Agdam district border, a fact later confirmed by Ayaz Mutalibov, who linked this criminal act to attempts by the opposition to remove him from power, and blamed it entirely for what happened. In his interview with the Russian magazine, *Novoye Vremya*, Mutalibov stated that "the shooting of the Khojaly residents was obviously organized by someone to take control in Azerbaijan".[c]

According to Azerbaijani journalist M. Safarogly, "Khojaly occupied an important strategic position. The loss of Khojaly was a political fiasco for Mutalibov."[d]

Furthermore, there is a statement by an Azerbaijani journalist, Arif Yunusov, which clearly states, "The town and its inhabitants were deliberately sacrificed for a political purpose — to prevent the Popular Front of Azerbaijan from coming to power."[e] In this case, though, the Azerbaijanis themselves are named as the perpetrators of the tragedy.

Similar comments and views concerning the events in Khojaly are known to have been made by several other highly placed Azerbaijani officials and journalists.

Tamerlan Karayev, at one time Chairman of the Supreme Council of the Republic of Azerbaijan, bears witness: "The tragedy was committed by the authorities of Azerbaijan", and specifically by "someone highly placed".[f]

The Czech journalist Jana Mazalova, who by an oversight of the Azerbaijanis was included in both of the groups of press representatives to be shown the bodies mutilated by "the Armenians", noted a substantial difference in the two cases. When she went to the scene immediately after the events, Mazalova did not see any traces of barbarous treatment of the bodies. Yet a couple of days later the journalists were shown disfigured bodies already "prepared" for taping.

Who killed the peaceful inhabitants of Khojaly and then mutilated their bodies, if the tragedy occurred not in a village taken by Armenians or on the route of the humanitarian corridor, but on the approaches to the town of Agdam — on territory fully controlled by the Azerbaijanis?

The independent Azerbaijani cameman Chingiz Mustafaev, who took pictures on 28 February and 2 March 1992, had doubts about the official Azerbaijani version and began his own inquiry. The journalist's very first report to the Moscow news agency D-Press on the possible complicity of the Azerbaijani side in the crimes cost Mustafaev his life: he was killed not far from Agdam under circumstances that are still unexplained.

The former President of Azerbaijan, Heydar Aliyev, himself recognized that Azerbaijan's "former leadership were also guilty" of the events in Khojaly. Already in April 1992, according to the agency Bilik-Dunyasy, he had commented as follows: "The bloodshed will be to our advantage. We should not interfere in the course of events." To whose "advantage" the bloodletting was is clear to everyone. *Megapolis Express* wrote, "It cannot be denied that, if the Popular Front of Azerbaijan actually set far-reaching objectives, they have been achieved. Mutalibov has been compromised and overthrown, public opinion worldwide has been shaken, and the Azerbaijanis and their Turkish brethren have believed in the so-called genocide of the Azerbaijani people in Khojaly."[g]

One other tragic detail. It has become clear since the events that 47 Armenians were already being held hostage on 26 February in "peaceful" Khojaly, a fact that the Azerbaijani mass media "covering" the tragedy has failed to mention. After the liberation of Khojaly only 13 hostages (including 6 women and 1 child) were found there; the other 34 were taken away by the Azerbaijanis to an unknown location. The only thing known about them is that they were led from the village on the night of the operation, but never reached Agdam. There is still no information concerning what eventually happened to them or confirming that they continued to be held captive by the Azerbaijanis.

In the light of the above facts it may confidently be said that the killing of peaceful inhabitants of the village of Khojaly was the work of the Azerbaijani side, which committed this crime against its own people in the name of political intrigues and the struggle for power.

Notes

[a] *Ogonyok* magazine, Nos. 14-15, 1992.

[b] *Nezavisimaya gazeta*, 2 April 1992.

[c] *Novoye Vremya*, 6 March 2001.

[d] *Nezavisimaya Gazeta*, February 1993.

[e] *Zerkalo* newspaper, July 1992.

[f] *Mikhalifat* newspaper, 28 April 1992.

[g] *Megapolis Express*, No. 17, 1992.